

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, January 14, 2010 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF DECEMBER 29, 2009 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 09-519-870 Highland Business Association**
Conditional Use Permit for seasonal outdoor farmers' market
2078 Ford Pkwy, SW corner at Cleveland
B2
Emily Goodman 651-266-6551

- 2 09-324-603 Pawn America Minnesota**
Conditional Use Permit for a pawn shop
334 University Ave E, SE corner at Mississippi St
I1
Emily Goodman 651-266-6551

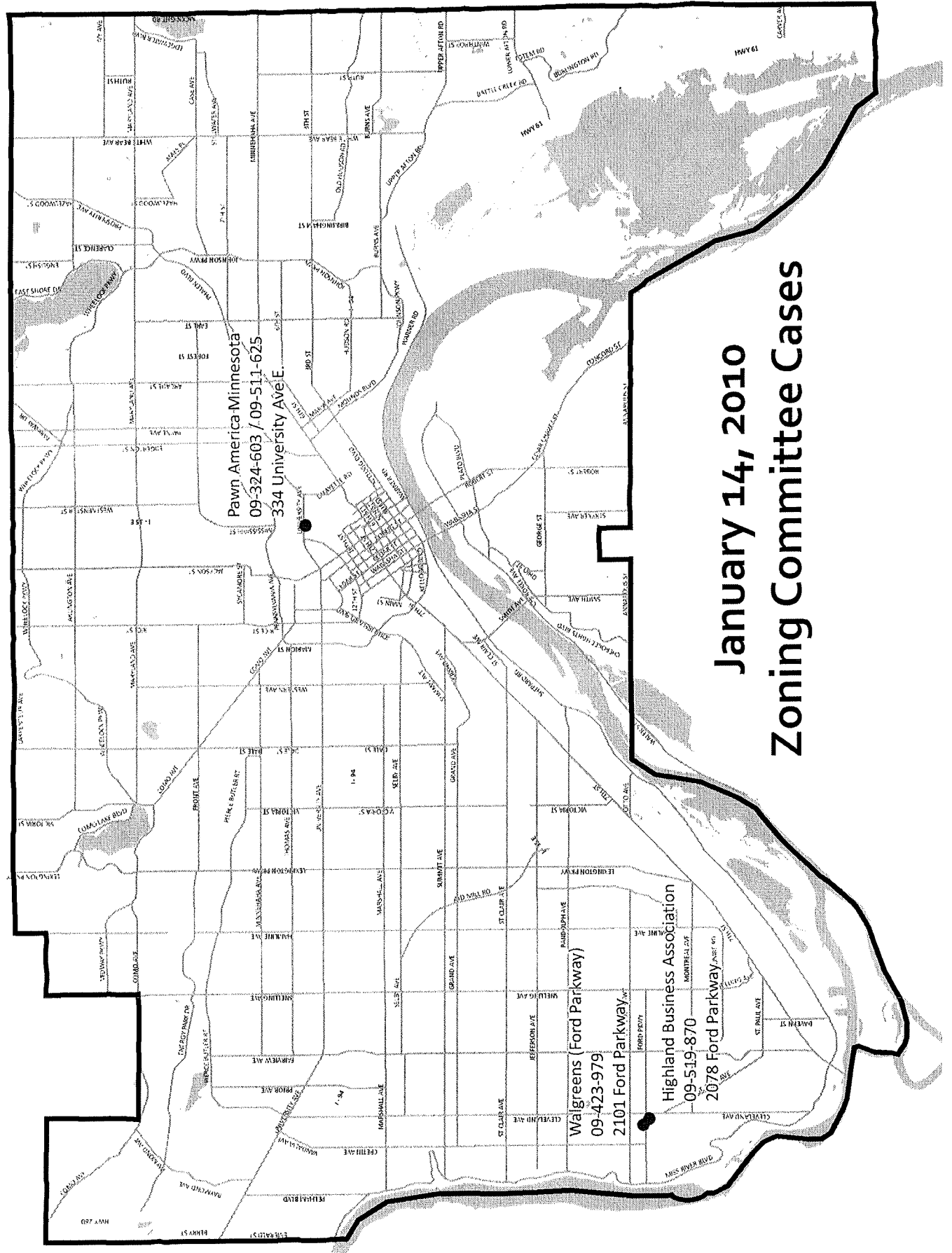
- 3 09-511-625 Pawn America parking variance**
Variance of required parking (27 spaces required, 22 spaces proposed)
334 University Ave E, SE corner at Mississippi St
I1
Emily Goodman 651-266-6551

- 4 09-423-979 Walgreens (Ford Parkway)**
Site plan review for a new Walgreen's Drug Store and second commercial building
2101 Ford Pkwy
B2
Tom Beach 651-266-9086

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have



Pawn America Minnesota
09-324-603 / 09-511-625
334 University Ave E

Walgreens (Ford Parkway)
09-423-979
2101 Ford Parkway

Highland Business Association
09-519-870
2078 Ford Parkway

January 14, 2010 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Highland Business Association **FILE #** 09-519-870
 2. **APPLICANT:** Highland Business Association **HEARING DATE:** January 14, 2010
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 2078 Ford Pkwy, SW corner at Cleveland
 5. **PIN & LEGAL DESCRIPTION:** 172823110103, HIGHLAND CROSSING LOT 3 BLK 1
 6. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.501; § 65.518
 8. **STAFF REPORT DATE:** January 6, 2010 **BY:** Emily Goodman
 9. **DATE RECEIVED:** December 24, 2009 **60-DAY DEADLINE FOR ACTION:** February 22, 2010
-

- A. **PURPOSE:** Conditional Use Permit for seasonal outdoor farmers' market
- B. **PARCEL SIZE:** 71,573 sq. ft. on an irregularly shaped lot, with approximately 270 feet of frontage along Cleveland Avenue and 315 feet of frontage along Ford Parkway.
- C. **EXISTING LAND USE:** C-Restaurant-Coffee Shop
- D. **SURROUNDING LAND USE:**
 - North: Business uses (B2)
 - East: Business and residential uses (B2, R4)
 - South: Apartment residential uses (RM2)
 - West: Business and industrial uses (B2, I1)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; § 65.518 lists conditions for outdoor garden centers
- F. **HISTORY/DISCUSSION:** There are no zoning actions or records for this property. This application Conditional Use Permit will use the standards for outdoor garden centers, based on the previous determination of similar use for a farmers' market (File #05-052-831). As part of this determination, the Planning Commission requested staff to develop amendments to better address this type of use. In the summer of 2009, planning staff began participating with Saint Paul Local Food Solutions, a group that works with local partners on issues of food access and quality in Saint Paul. City staff involved with Saint Paul Local Food Solutions anticipate proposing amendments to the Zoning Code to better address farmers' markets and other food related uses in the near future.
- G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not received comment from the District 15 Council at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is seeking a conditional use permit in order to accommodate a seasonal outdoor farmers' market. The market would be open on Saturdays (May to October) from 7:30 – 11:30am. It would be located on a parking lot for a shopping center at Cleveland Avenue and Ford Parkway. The parking lot primarily serves patrons of Barnes & Noble, Starbucks, and Chipotle Mexican Grill.
 2. Based on the 2005 Determination of Similar Use, the farmers' market must meet the standards for outdoor garden centers. § 65.518 lists three conditions for that outdoor garden centers in the B2 district must satisfy:
 - (1) *The use is accessory to a principal use permitted in the district.* This condition is met. The seasonal outdoor farmers' market would be an accessory use to the principal commercial uses on the site.
 - (2) *The zoning lot on which it is located is at least twenty thousand (20,000) square feet in area.* This condition is met. The zoning lot is seventy-one thousand, five hundred and seventy-three (71,573) square feet in area.

(3) *The use shall be located at the end or rear of the building.* This condition is met. The seasonal farmers' market will be located on the southeastern portion of the lot, behind the principal uses.

3. In the 2005 Determination of Similar Use, the Planning Commission also considered the fact that the Zoning Code does not list "farmers' markets" and only recognizes one "city market" (i.e., the Lowertown farmer's market). The lack of clear legal language creates difficulty for the City. The Planning Commission also noted that generally farmers' markets create few neighborhood problems and can serve to promote goals of vibrancy and walkability. However, the Planning Commission also noted that a larger or more continuously open farmers' market may have more potential to create neighborhood issues. The Planning Commission also noted that food safety issues may arise.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use is supportive of Saint Paul's sustainability policies. The proposed farmers' market will feature Minnesota grown produce, cheese, honey, organic meats, and flowers. Farmers' markets are supported throughout the proposed Comprehensive Plan generally, as indicated in the Introduction: "sustainability is the overarching theme of the Comprehensive Plan." The District 15 Highland Park Neighborhood Plan summary states, "Through implementation of this plan, the community strives to...enhance environmental consciousness to reduce the negative impacts of humans on the environment." Besides these sustainability goals, a farmers' market, as a pedestrian-friendly destination in an already-vibrant business district along Ford Parkway, would also fulfill the currently adopted Comprehensive Plan Summary and General Policy goal of "business districts that invite walking, promote community interaction and are safe" and also provides "strong, positive visual interest for pedestrians, bikers, walkers and riders."
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use will take place on a portion of an existing parking lot. The surrounding parking lot not used for the farmers' market will provide adequate ingress and egress to minimize traffic congestion in the public streets. While the Barnes & Noble and Starbucks will be open during the entirety of the Farmers' Market hours, the Chipotle Mexican Grill will not open until 11:00am, which will further minimize traffic congestion.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use will not be detrimental to the existing character of the development in the immediate neighborhood. Moreover, the use would enhance the public health and general welfare by providing an additional source of fresh and local food in the neighborhood.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The farmers' market would serve as a neighborhood amenity and would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the required conditions set forth in Chapter 66 of the Saint Paul Zoning Code. Based on current parking lot usage, it does not appear that the farmers' market will displace parking needed by customers of the existing business.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a seasonal outdoor farmers' market, subject to the following additional

conditions:

1. The number of stalls or booths at the market is limited to eleven (11), one of which is reserved for the Highland Business Association.
2. The food vendors have appropriate City licenses and comply with all food handling, preparation, and safety standards.
3. The market is open seasonally, during the months of May, June, July, August, September, and October only, and hours are limited to Saturday mornings.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 09-519870

Fee: 750⁰⁰

Tentative Hearing Date:

PD-15 1-14-10

172823116103

APPLICANT

Name HIGHLAND BUSINESS ASSOCIATION, INC.

Address 790 CLEVELAND AVE. S., #219

City ST. PAUL St. MN Zip 55116 Daytime Phone 651-699-9042

Name of Owner (if different) EXETER REALTY COMPANY

Contact Person (if different) MICHAEL HATTING Phone 651-294-2445

PROPERTY LOCATION

Address / Location 2078 FORD PARKWAY, ST. PAUL, MN 55116

Legal Description _____

Current Zoning B2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 518, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHMENTS

- 1) Project Description
- 2) License Agreement
- 3) Site Plan
- 4) Memo re: parking from Exeter

CK 3072

750⁰⁰

☐ Required site plan is attached

Applicant's Signature Shelly Harris Date 12-21-09 City Agent pdd

12/24/09



Project Description
Highland Business Association Farmer's Market

The Highland Business Association (HBA) would like to pursue creating a "Farmer's Market" in Highland Village during the spring and summer months. We have an executed "License Agreement" between the HBA and Exeter Realty Company to host our market in the parking area adjacent to Starbuck's Coffee on Cleveland Avenue and Ford Parkway. As the Planning Commission decided in File #05-052831 an outdoor farmers market is similar to an outdoor garden center. We request a CUP for an outdoor garden center in a B-2 zoning district.

We envision our market to have the following attributes:

- * A weekly market taking place on Saturdays, from 7:30 – 11:30 a.m.
- * Operate from May - October annually.
- * 10 Vendors + one HBA/Sponsor booth. The vendor booths will be approximately one and one-half parking places with the vendors operating their business from their utility vehicles.
- * Feature Minnesota Grown fresh produce, cheese, honey, organic meats, flowers.
- * Serve our immediate residential/business/surrounding area.
- * Although our market hours will overlap with the business hours in the center, we have an agreement with the owners of said property to use their parking area for our customers. Exeter Realty has already notified their tenants of our upcoming project and should any conflict arise, our dedicated Market Manager will meet with the Leasing Manager for Exeter and all their tenants to resolve any issues in an agreed upon manner.
- * This project is an accessory to a principle use, the area is greater than 20,000 square feet in size, and the project will be located at the end and behind the principle use.
- * The Highland Business Association will instruct each vendor to talk to the City of St. Paul about any possible licensing issues.
- * We plan to engage the tenants in the rental property adjacent to the site, in advance, to notify us if there are any noise-related issues during set-up. We will require any refrigeration units be sound proofed, but most vendors will not create more sound than our average utility van that currently drives through Starbuck's parking lot early in the morning.

LICENSE AGREEMENT

LICENSE AGREEMENT is entered into this 25th day of Nov., 2002, by HIGHLAND CROSSING LLC ("Licensor") and HIGHLAND BUSINESS ASSOCIATION ("Licensee").

WHEREAS, Licensee has requested and Licensor has agreed to allow Licensee to use a portion of the Highland Crossing North parking lot (the "Lot"), in the area shown on the site plan drawing attached hereto as Exhibit A, during certain designated dates and times for a farmer's market; and

WHEREAS, Licensee's use of the Lot shall be restricted to one weekend morning per week during the months designated herein at no charge provided that Licensor incurs no cost for such use.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged by Licensee and Licensor, Licensor hereby agrees to grant a license to Licensee subject to the following terms and conditions:

1. Grant of License. Licensor hereby grants a license (the "License") to Licensee to use the portion of the Lot limited to the area designated in the attached Exhibit A, which will not take up more than 13 parking spaces in the Lot. The License shall be for a term of May 1, 2010 through September 30, 2010 (the "Term"), and shall be limited to (Saturday/Sunday) mornings from 7:30 a.m. to 11:30 a.m. (the "Permitted Hours").

Initials
SH

2. Use. Licensee shall be permitted to use the Lot during the Permitted Hours of the Term of the License for a typical farmer's market only, which use shall include but not be limited to the sale of fresh local produce, fresh flowers, and other related items. The farmer's market may not offer for sale any of the following items that directly compete with Starbucks, Barnes and Noble Booksellers, or Chipotle Mexican Grill ("Building Tenants"): coffee, espresso drinks, blended drinks or "smoothies," coffee beans, books, magazines, compact discs, DVDs, greeting cards, burritos, tacos, or tortilla chips and guacamole.

3. Licensor to Incur no Cost. Licensor has entered into this agreement with the understanding that, while it is charging no license fee to Licensee or any of the farmer's market vendors, any costs incurred to operate the farmer's market, including but not limited to, permit fees, refuse removal, insurance premiums, and signage, shall not accrue to the account of Licensor and shall solely be the responsibility of Licensee.

4. Access to Lot; Parking. Licensee acknowledges that the remainder of the Lot not used for the farmer's market is used by the customers and employees of the Building Tenants. At all times, Licensee shall ensure that vehicular and pedestrian ingress and egress to and from the Lot and the Highland Crossing A retail building shall be unobstructed. In addition, Licensee shall not obstruct the Building Tenants' access to the trash enclosure located behind Starbucks.

5. Signage. Licensee shall not affix any permanent signage to the Lot or the Building. Licensee may display temporary signage, such as sandwich board signs, during the Permitted Hours of the farmer's market near the entrances to the Lot off of Ford Parkway and Cleveland Avenue and may place a temporary sign during the Permitted Hours along the sidewalk at the corner of Ford and Cleveland unless prohibited by the City of Saint Paul.

6. Insurance and Indemnity. Prior to the commencement of the Term of this License, Licensee will deliver to Licensor a certificate of insurance acceptable for approval by Licensor evidencing liability coverage of at least \$1,000,000 per occurrence that names Exeter Realty Company and Highland

Crossing LLC as additional insured parties. Licensee hereby indemnifies and agrees to hold Exeter Realty Company and Licensor harmless from and against any and all costs arising out of the use of the Lot for the farmer's market; any and all actions, claims, costs, and damages arising out of any personal injury or death occurring during or in connection with the farmer's market event; and any and all attorneys fees and costs incurred by the indemnified parties. Licensee acknowledges Exeter Realty Company and Licensor are not responsible if any property of participants in or customers of the farmer's market is lost or stolen.

7. Obligation to Repair Damage. If, as a result of Licensee's use of the Lot, there is any damage to the Lot or other property or buildings adjacent to the Lot, including any public property, then at Licensee's sole expense, Licensee will promptly repair such damage to restore the damaged property to the condition prior to the Event.

8. Trash Receptacles. Licensee will provide adequate trash containers on the Lot to prevent litter and keep the Lot area surrounding the farmer's market area clear of refuse. Within 1 hour after the conclusion of the farmer's market, Licensee will clean up the Lot and adjacent areas so that the property is restored to the condition that existed prior to the event.

9. Compliance with Laws. Licensee will use the Lot in compliance with all applicable laws and ordinances. Licensee, at its sole cost and expense, shall obtain any required permits for the farmer's market.

10. Default. Licensee shall be in default of this License Agreement in the event that Licensor fails to comply with any of the provisions of this agreement within 10 days after written notice of default. Upon the occurrence of a default by Licensee under this Agreement, Licensor may terminate the License and, in such event, this agreement shall be rendered null and void and of no further force and effect.

11. Entire Agreement. This agreement represents the entire agreement between the parties and supersedes any prior discussions or agreements, whether written or oral.

IN WITNESS WHEREOF, Licensor and Licensee hereby execute this agreement as of the date first above written.

LICENSOR:

HIGHLAND CROSSING LLC

By Exeter Realty Company
Its Agent

By: 

Its: PRESIDENT

LICENSEE:

HIGHLAND BUSINESS ASSOCIATION

By: 

Its: Executive Director

Shelly Harris

Subject: FW: Farmer's Market

Shelly,

It is fine with us if customers of the Farmer's Market park in the Highland Crossing parking lot during the hours of the market on Saturday mornings. Starbucks gets a lot of traffic Saturday mornings so farmer's market customers might have to park further west in the lot but Chipotle doesn't open until around 11:00 so there should be plenty of parking available in the lot, at least during the early hours of the market.

We think Starbucks opens at 5:00 a.m., Barnes and Noble at 9:00 a.m., and Chipotle at 11:00 a.m. on Saturdays. I asked our property manager to verify and I will confirm back to you if those are correct. Let me know if you need any other hours other than when they open on Saturdays.

Thanks.

Mike

Michael T. Hatting
Exeter Realty Company
Ironton Asset Fund LLC
3550 Wells Fargo Place
30 East Seventh Street
Saint Paul, MN 55101
651-294-2445 Direct
mhatting@exeterrealty.com
mhatting@irontonasset.com

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-----Original Message-----

From: Shelly Harris [mailto:sharris@highlandba.com]
Sent: Wednesday, December 16, 2009 4:19 PM
To: Mike Hatting
Subject: RE: Farmer's Market

Hi Mike,

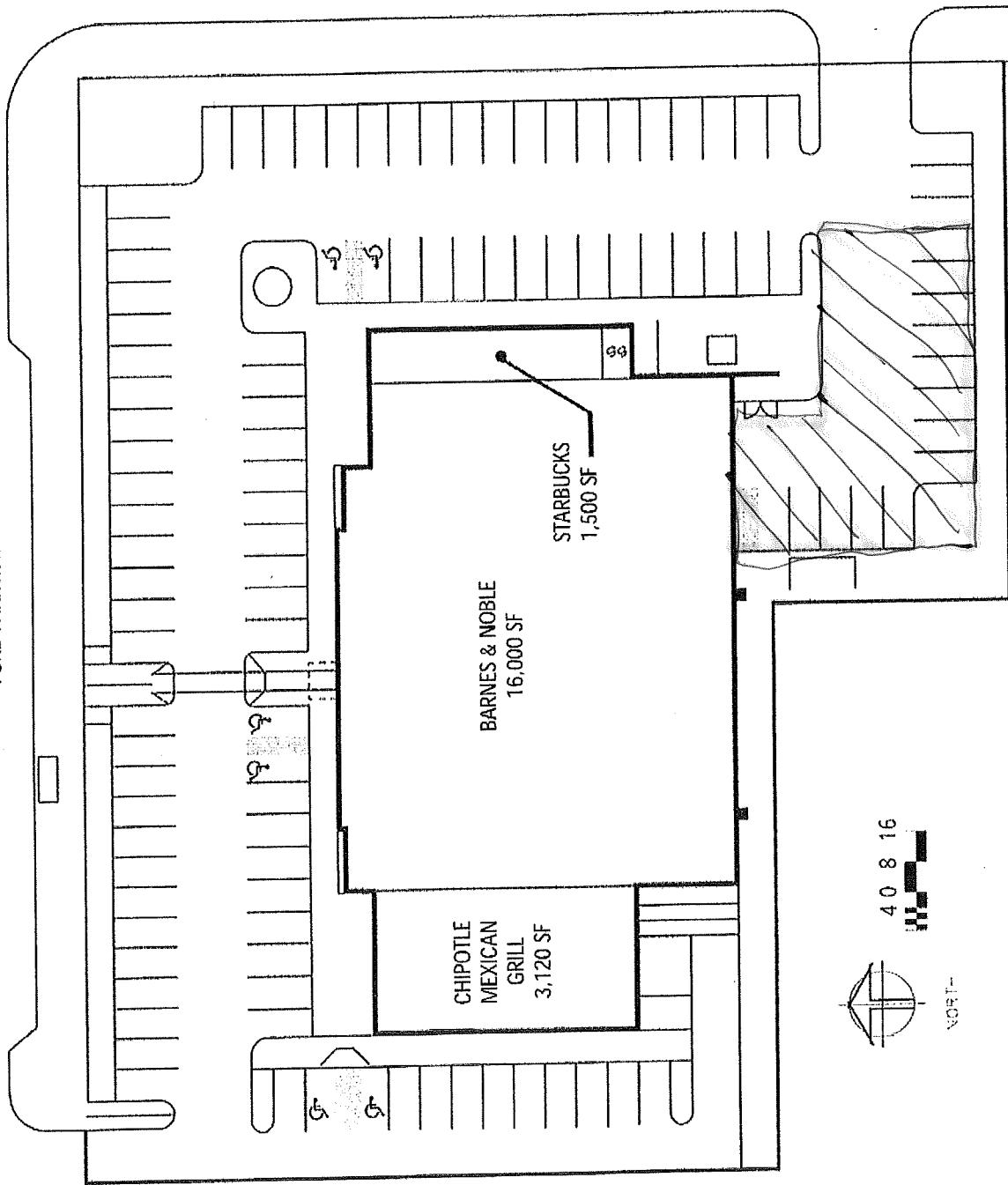
I need your help... I am in the process of working on our Conditional Use Permit for the Farmer's Market. Our contact at the Zoning Committee has found language in exhisiting code to help us make a case for asking for the permit as an "Outdoor Garden Center". Addressing the issue of parking for the Farmer's Market customers - do you have any ideas on what I may tell the Committee on where we are going to direct people to park? They also want to know the hours of operation for your businesses in that center. (We want to paint a well thought-out clear picture for them!) Any help you may give me is MUCH appreciated!

Shelly

HIGHLAND CROSSING NORTH

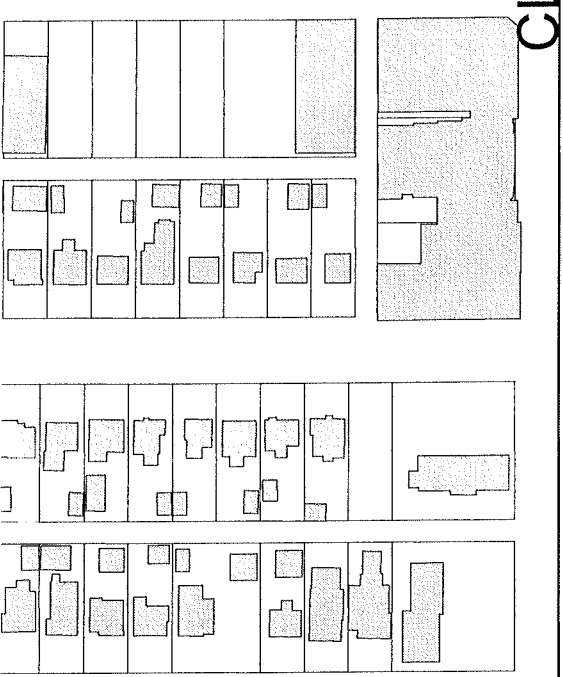
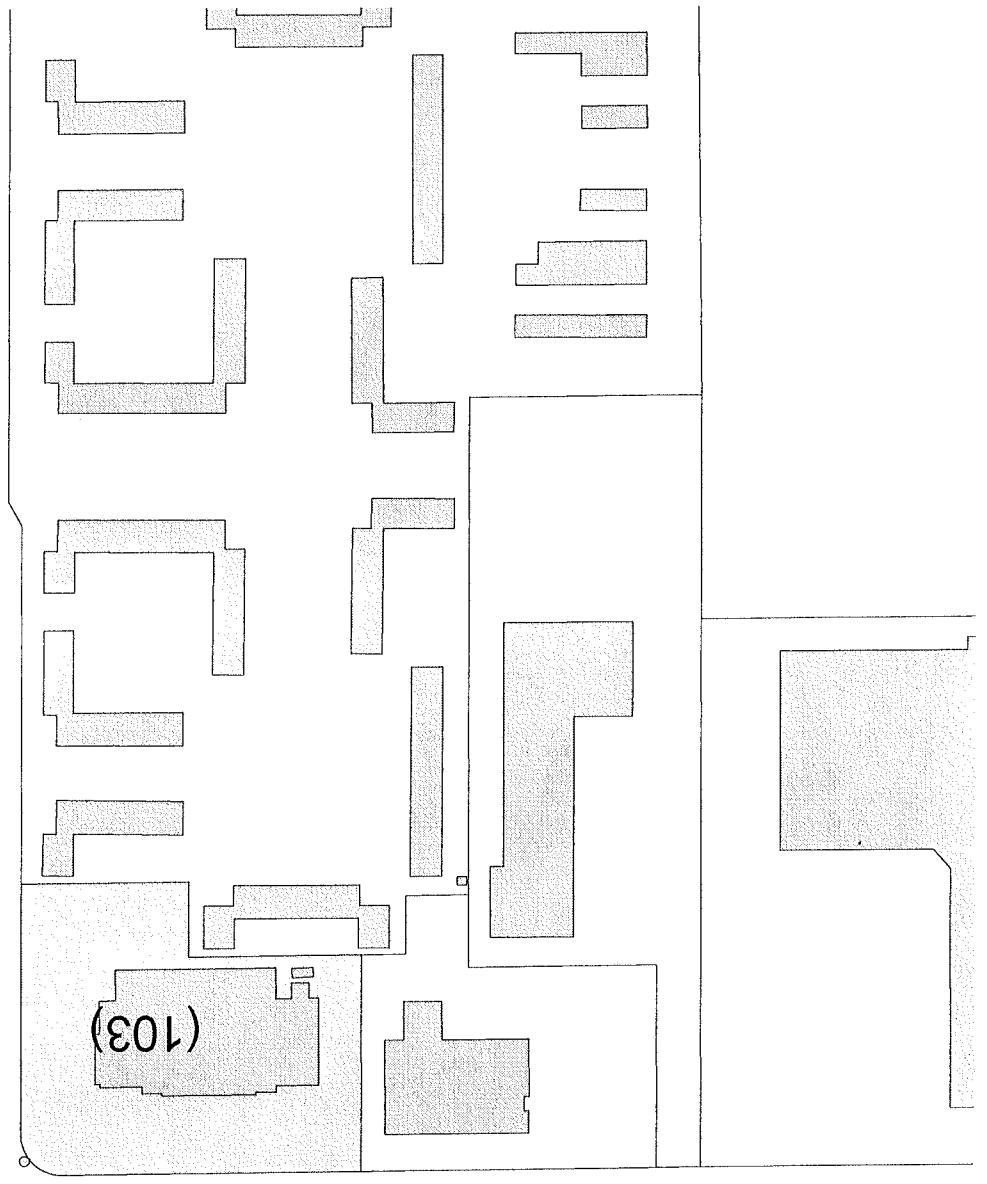
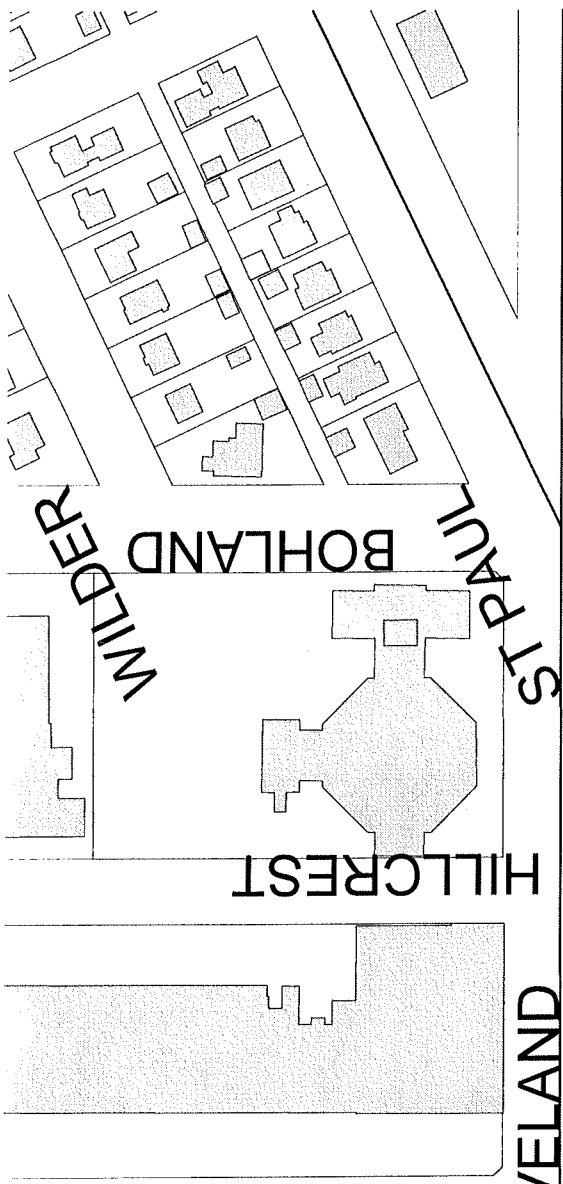
2078-2082 FORD PARKWAY
SAINT PAUL, MINNESOTA 55116

FORD PARKWAY



CLEVELAND AVENUE

Lot are
reserve
for farm
market



GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006



bing

© 2009 Microsoft Corporation

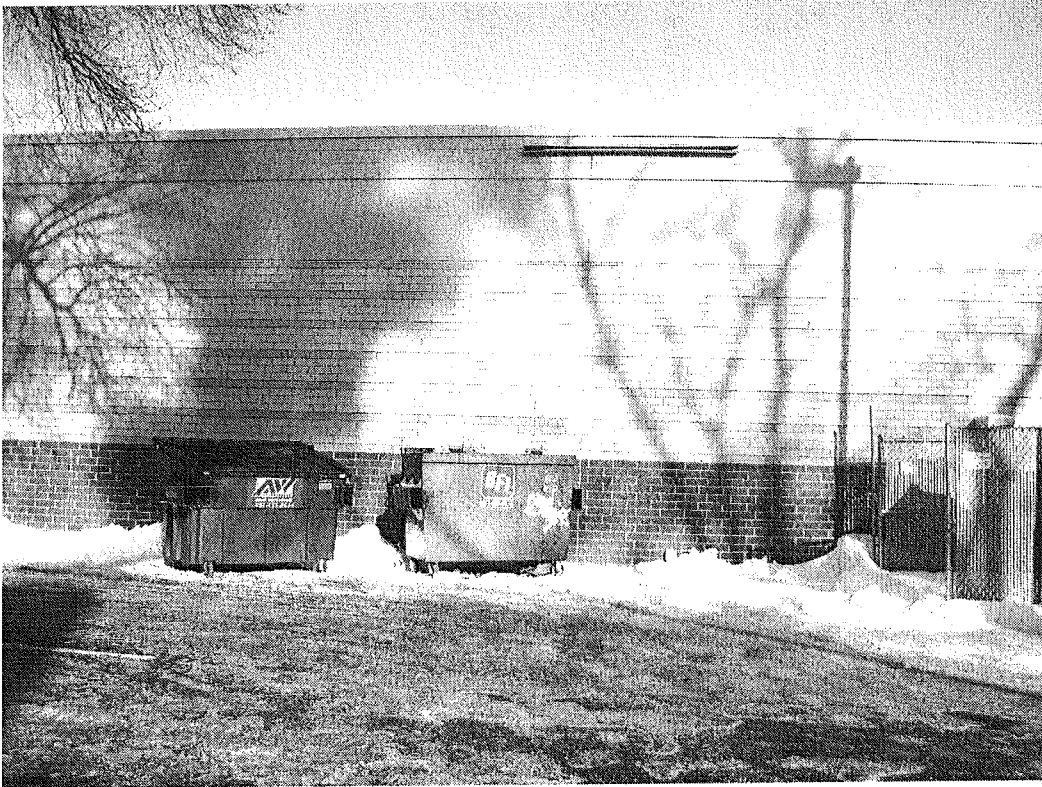
Pictometry Bird's Eye © 2009 Pictometry International Corp

Pictometry Bird's Eye © 2009 MDA Geospatial Services Inc.

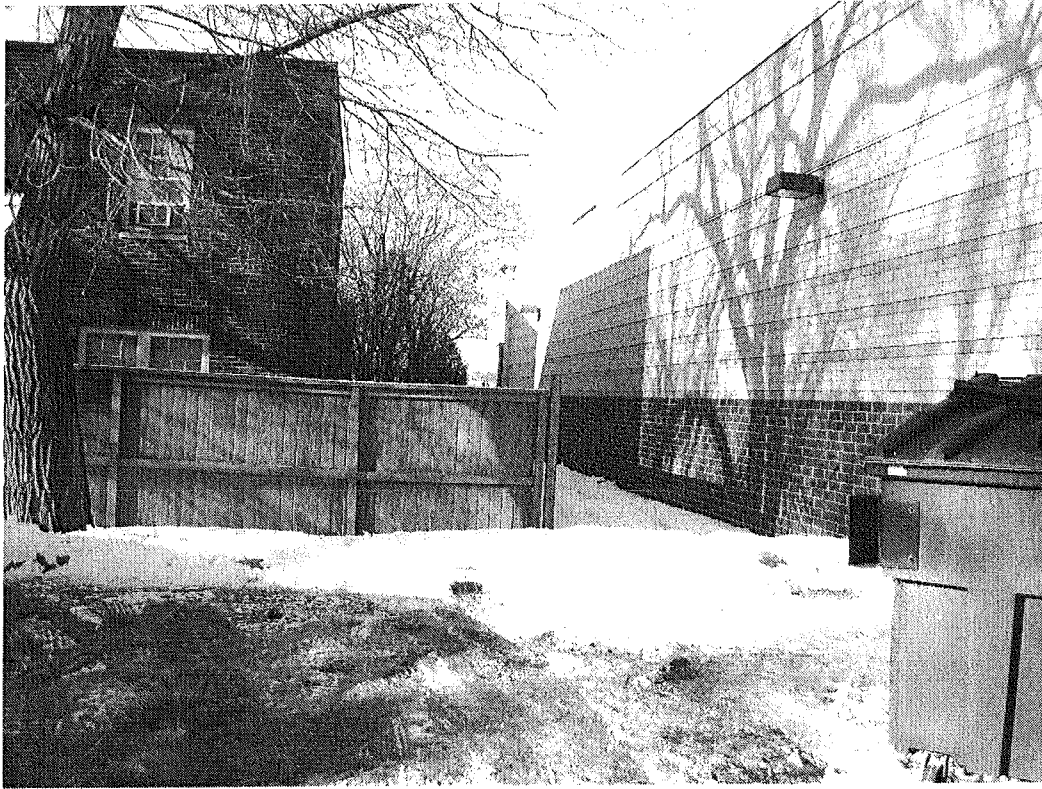
25 yds



View of shopping facility, behind which will be the proposed farmers' market.



View of proposed farmers' market, facing west.



View of proposed farmers' market, facing south.



View of proposed farmers' market, facing south east.

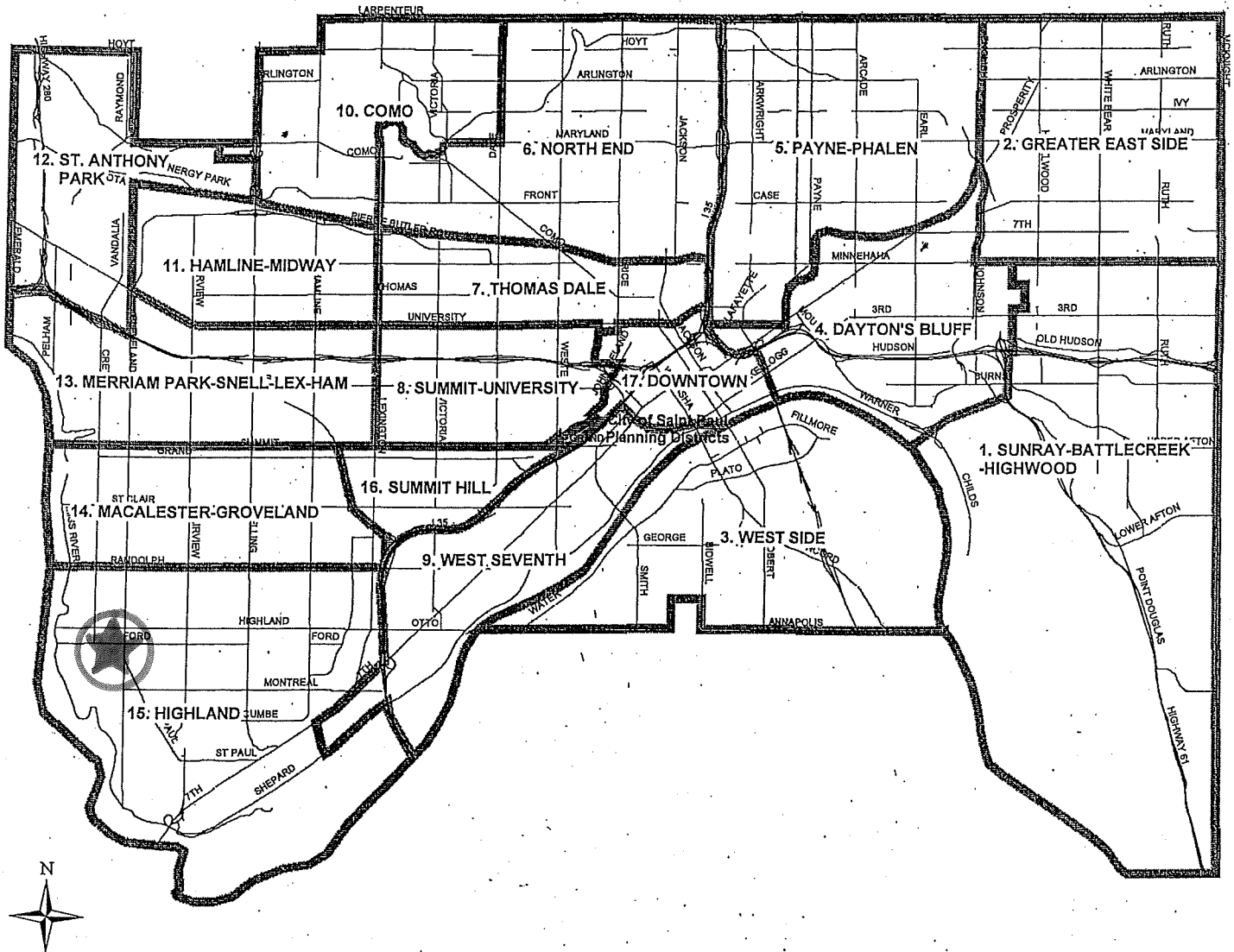


View of proposed farmers' market, facing east.



View of proposed farmers' market, facing south.

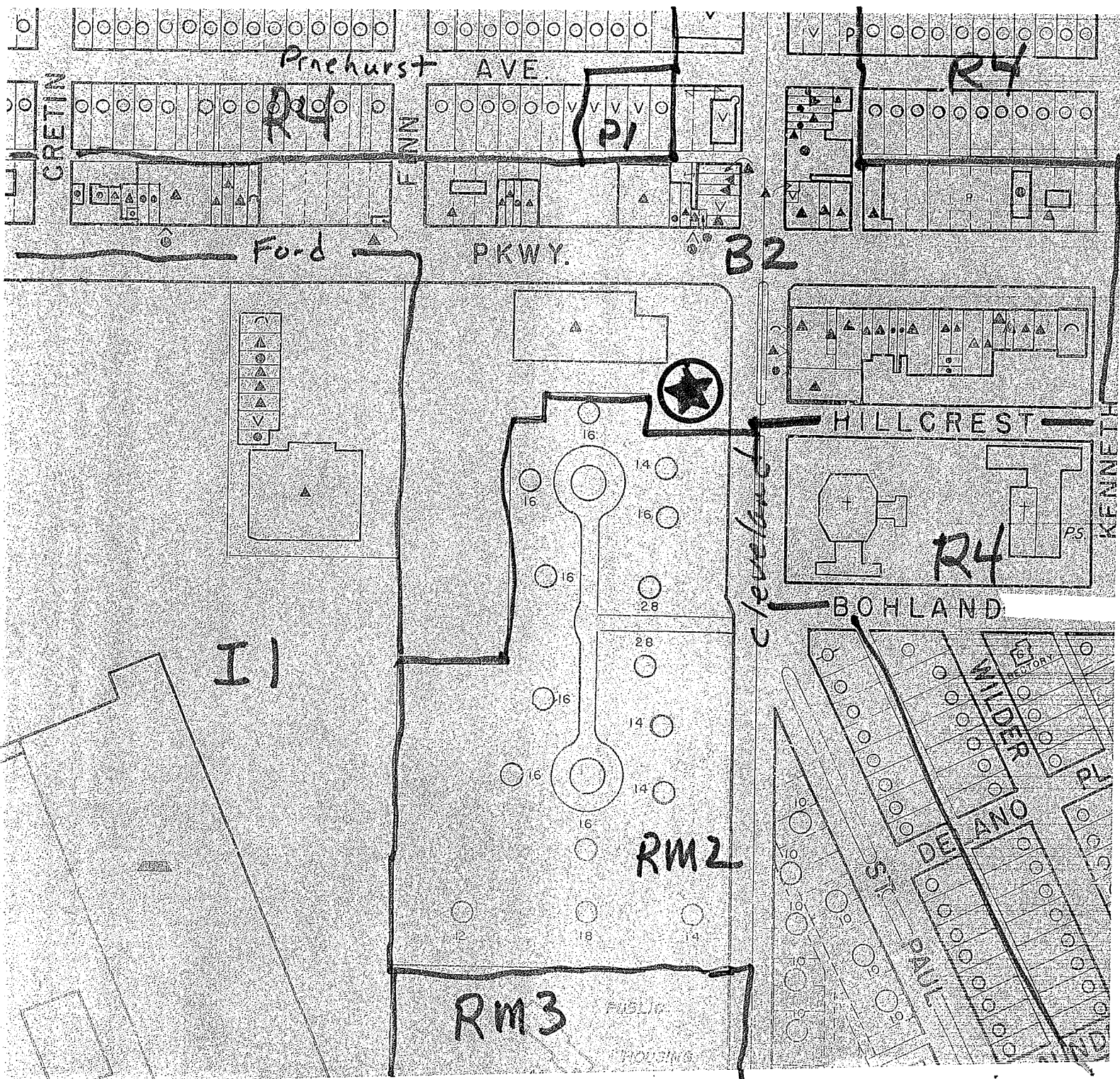
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-519870



APPLICANT Highland Business Association

PURPOSE CuP

FILE # 09-519870

DATE 12-29-09

PLNG. DIST. 15

MAP # 33

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

one family

two family

multiple family



commercial

industrial

vacant

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Pawn America Minnesota **FILE #** 09-324-603
FILE # 09-511-625
 2. **APPLICANT:** Pawn America Minnesota L.L.C. **HEARING DATE:** January 14, 2010
 3. **TYPE OF APPLICATION:** Conditional Use Permit, PC Variance
 4. **LOCATION:** 334 University Ave E, SE corner at Mississippi St
 5. **PIN & LEGAL DESCRIPTION:** 312922140051, DAYTONS ADDITION SUBJ TO STS LOTS 6 AND LOT 7 BLK 2; 312922140052, NO PART OF VAC ALLEY ADJ AND FOL SUBJ TO ST LOT 8 BLK 2; 312922140070, ALL OF VAC ALLEY ADJ LOTS 8 & LOT 9 BLK 2
 6. **PLANNING DISTRICT:** 5 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** §61.501; §65.531, §61.601; §61.202(b)
 8. **STAFF REPORT DATE:** January 6, 2010 **BY:** Emily Goodman
 9. **DATE CUP RECEIVED:** Nov. 13, 2009 **120-DAY DEADLINE FOR CUP ACTION:** March 12, 2010
DATE VAR RECEIVED: Dec. 11, 2009 **60-DAY DEADLINE FOR VAR ACTION:** Feb. 9, 2010
-
- A. **PURPOSE:** Conditional Use Permit for a pawn shop and variance of required parking (27 spaces required, 22 spaces proposed)
 - B. **PARCEL SIZE:** 15048 sq. feet, with approximately 100 feet of frontage along University Avenue and 150 feet of frontage along Mississippi Street.
 - C. **EXISTING LAND USE:** C-Retail-General
 - D. **SURROUNDING LAND USE:**
North: Buon Giorno and Industrial uses (I2)
East: Industrial uses (I1 and I2)
South: Industrial uses (I1)
West: I-35 E right-of-way, business, and residential uses (B5 and RM3)
 - E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.531 specifies conditions for pawn shops, §61.202(b) authorizes the Planning Commission to grant variances when related to permits, using the required findings of §61.601.
 - F. **HISTORY/DISCUSSION:** This building is currently vacant. Formerly, it was the site of the Hoeft Appliance store. There are no zoning actions or records for this property.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not received comments from District 5 Council at the time this staff report was prepared.
 - H. **FINDINGS:**
 1. The applicant is seeking a conditional use permit in order to accommodate a pawn shop. The applicant plans to relocate the pawn shop currently located at 956 Rice Street to this site.
 2. The parking requirements for the pawn shop would entail twenty five (25) spaces for the first floor of pawn shop space and two (2) additional spaces for storage space on the basement and second floor, yielding a total of twenty seven (27) required parking spaces. The existing site only accommodates twenty two (22) spaces according to the submitted site plan. Therefore, the applicant has requested a variance of five (5) spaces.
 3. §65.531 specifies conditions that all pawn shops must satisfy:
 - (1) *The business shall be conducted within a completely enclosed building.* This condition is met. The applicant proposes to conduct business entirely within the existing building on the site.
 - (2) *The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property.* This condition is met. There is no residentially zoned property within one hundred fifty (150) feet of the building in which the business will be located.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed conditional use permit is consistent with the Comprehensive Plan. The existing adopted Comprehensive Plan's Summary and General Policy Chapter states that "high priorities for Saint Paul now are...to ensure that land resources with potential for business use are made available and used to their maximum economic and community development." The pawn shop use would provide a productive economic use on a currently vacant site. This development is also encouraged by the District 5 plan, which has as a goal "to promote a healthy economy in District 5 and in Saint Paul" (Policy 4.1.1). Additionally, the proposed Land Use plan includes policies supporting focused economic growth in "employment centers in downtown, the Central Corridor, industrial corridors, and on larger tracts of land" (Policy 2.4), descriptions which apply to this location.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The applicant is proposing to establish the pawn shop in an existing building. The two (2) ingress and egress points on each of the two (2) streets adjacent to the property will be sufficient for this use.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The surrounding neighborhood is a commercial and industrial mix. Among other establishments, there is an adult detention facility in the neighborhood, and the site is proximate to a bar/restaurant and a bail bond service. A pawn shop is consistent with the existing character of the neighborhood. The residential property to the northwest is separated from the site by I-35 and as such would not be adversely impacted by the pawn shop.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is in accord with the surrounding uses, which are primarily industrial and business.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is not met. The pawn shop will occupy an existing building located in an I1 district. The parking requirement for pawn shops within a completely enclosed building is one (1) space per 225 square feet of gross floor area. The gross floor area for the retail sales floor of the building is 5,577 square feet, so the code requires twenty five (25) spaces. The basement and second level, each also 5, 577 square feet, are to be used exclusively for storage, which requires parking at a rate of one (1) space per 5,000 square feet, yielding an additional requirement of two (2) spaces. The applicant has submitted a site plan indicating the parking lot will be restriped to accommodate twenty two (22) spaces instead of the required twenty seven (27) and has applied for a variance to permit this. If the parking variance is approved, this condition will be met.

5. Section 61.601 sets out the required findings for a variance of the Zoning Code:

- (a) *The property in question cannot be put to a reasonable use under the strict provision of the code.* This finding is met. A pawn shop is a reasonable use for this I1 site. Strict interpretation of the code requires 27 spaces parking spaces off-street, which cannot be accommodated due to the location and size of the existing building on the site.

- (b) *The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.* This finding is met. The difficulty in accommodating the required number of parking spaces is due to the location and size of the existing building on the site, which was built in 1968 under a previous landowner.
- (c) *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.* This finding is met. The intent of the parking requirement is to ensure that uses can accommodate their parking demand on site and do not create parking problems that affect adjacent properties. A variance of five spaces is unlikely to create a parking problem or exacerbate the parking conditions on surrounding streets. The variance is consistent with the intent of the code and the health, safety, comfort, morals and welfare of the inhabitants of the City in that the variance will make possible the reuse of an existing building with a use permitted conditionally in the I1 zoning district. The Planning Commission has initiated a study of off-street parking standards with goals of more closely meeting actual demand for parking and encouraging re-use of existing buildings. The parking standards proposed in the draft for retail use is one space per four hundred (400) square feet of gross floor area. If the proposed standards were adopted, for this site, the requirements would be reduced from 27 spaces to 16.
- (d) *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.* This finding is met. The variance would allow for the use of the existing surface parking lot on the site, which would not alter or impair an adequate supply of light and air to adjacent properties. The proposed parking variance would not alter the character of the surrounding commercial and industrial establishments and would not unreasonably diminish established property value.
- (e) *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.* This finding is met. The proposed pawn shop is permitted as a conditional use in the I1 zoning district.
- (f) *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.* This finding is met. The primary purpose of this variance is to permit a reasonable re-use of an existing site.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a pawn shop and the Variance in required parking spaces from twenty seven (27) to twenty two (22) subject to the conditions:

1. The site plan for the parking lot is approved by staff in the Department of Safety and Inspections.
2. The business signage is consistent with the regulations set forth in Chapter 64 of the Saint Paul Zoning Code.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 09-324603Fee: 750.00

Tentative Hearing Date:

12-10-09

PD-5

312922140051**APPLICANT**

Name: Brad Rixmann/Pawn America Minnesota, L.L.C.

Address: 181 River Ridge Circle South

City: Burnsville

St.: MN

Zip: 55337

Daytime Phone: 952-646-1760

Name of Owner (if different): Park Midway Bank

Contact Person (if different): Kathy Bjerke

Phone: 651-523-7833

**PROPERTY
LOCATION**

Address / Location: 334 East University Avenue, St. Paul, MN

Legal Description: See Exhibit B

Current Zoning: I-1

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

65.531
Chapter 61, Section 61.501, Paragraph (a)-(e) of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see attached.

OK
51432
750⁰⁰

Required site plan is attached

PAWN-AMERICA MINNESOTA, L.L.C.

Applicant's Signature: By: [Signature] Date: November 3, 2009 City Agent

Brad Rixmann, Chief Manager

pad
11-13-09

LEONARD
STREET
AND
DEINARD

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

TODD M. PHELPS
612-335-1871 DIRECT
TODD.PHELPS@LEONARD.COM

November 12, 2009

City of Saint Paul
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Re: Pawn America Minnesota, L.L.C., Application for Conditional Use Permit
334 East University Avenue, Saint Paul

Dear Sir or Madam:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company ("Pawn America"), in support of the conditional use permit application attached as Exhibit A (the "Application"), for real property and improvements located at 334 East University Avenue, Saint Paul, Minnesota, (PIN: 31.29.22.14.0051) legally described on the site plan attached as Exhibit B (the "Property"). As noted on Exhibits B and C, the Property is zoned I-1 "Light Industrial District." The Property is located near the southeast corner of U. S. Interstate 35E and University Avenue in the former Hoeft Appliance store.

Pawn America is submitting this Application because it intends to relocate its existing store from 956 Rice Street, Saint Paul, to the Property. Pawn America would then use the Property as a pawn store, including the retail purchases and sales of new and secondhand goods, goods obtained through close-outs, clearances and liquidations, payday loan office, industrial loan and thrift company, check cashing and related financial services, money transmission transactions, pre-paid debit card sales, workspace and storage, and for other lawful uses in compliance with all applicable laws, ordinances and governmental regulations (collectively, the "Intended Uses").

Section 66.521 of the Saint Paul Zoning Code permits a pawn store within the I-1 zoning classification, subject to (1) the standards specified for all condition uses as set forth in Section 61.501 and (2) the development standards specified for pawn stores as set forth in Section 65.531.

Section 61.501 (General Requirements).

Section 61.501 provides that before the Planning Commission may grant its approval of a conditional use, the commission shall find that:

1. The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The Intended Uses will be in substantial compliance with the Saint Paul Comprehensive Plan for the following reasons:

- a. Growth. The Comprehensive Plan supports new opportunities for growth and the expansion of job opportunities. The Property consists of a two-story building that was built in 1968 on approximately 0.18 acres of land. The Property is currently vacant and Pawn America will invest over \$500,000 rehabilitating the Property, employ between 15-20 additional full-time employees, and generate approximately \$100,000 per year in revenue for the City of Saint Paul in licensing fees and sales and property taxes.
- b. Economic Development. The Comprehensive Plan provides that the policies in the land use plan are intended to foster the creation of jobs so that residents can earn income. Two of Saint Paul's "high priorities" are:
 - (i) to ensure that land resources with potential for business use are made available and used to their maximum economic and community benefit, and
 - (ii) to ensure a welcoming and supportive environment in the city for new and existing businesses.

Again, Pawn America will invest over \$500,000 rehabilitating the Property, utilize currently vacant commercial-retail space—thus creating between 15-20 full-time jobs and approximately \$100,000 in fees and tax revenue. Please note that Pawn America pays its employees a living wage with full healthcare and retirement benefits. This fits squarely with the economic development policies set forth in the Comprehensive Plan.

- c. Policy 5.2.4 of the Land Use Chapter discusses how the City "...will use zoning...to prevent and mitigate land use conflicts along boundaries between residential areas and ... industrial areas and will encourage...intermediate land uses to mitigate potential incompatibilities." The Property is within a transitional area between Downtown, the Capital and the Payne-Phalen neighborhood. Given its location, Pawn America is mitigating any potential land use conflicts with residentially zoned neighborhoods.

2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The Property was specifically designed and built for small scale commercial-retail uses. It is located at the corner of University Avenue and Mississippi Street, which runs parallel to U. S. Interstate Highway 35E. The Property currently has two (2) ingress and egress points to Mississippi Street and two (2) ingress and egress points to University Avenue. Pawn America does not plan on changing the current ingress or egress configuration of the Property. Accordingly, the Property has adequate ingress and egress to minimize traffic congestion.
3. The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. Pawn America owns and operates twenty-one (21) stores located throughout Minnesota, Wisconsin, North Dakota and South Dakota. Two stores are in St. Paul: one is located at 1636 University Avenue, and the other is located at 956 Rice Street. Pawn America intends to relocate its store from 956 Rice Street to the Property.

None of Pawn America's stores, including the two Saint Paul stores, endangers the public health, safety or general welfare of any of the neighborhoods in which they operate.

- a. Existing Use and Zoning Classification of the Property. As noted on Exhibits B and C, the Property is zoned I-1 "Light Industrial District." The Property is located along U.S. Interstate 35E and University Avenue in the former Hoeft Appliance store building.
- b. Existing Use and Zoning Classifications of Neighboring Property. The surrounding land uses are as follows:

North: Buon Giorno Express, across University Avenue, is located within the I-2 "General Industrial" district.

East: Kenny Boiler & Mfg., Co. is located within the I-1 "Light Industrial" District.

South: The State of Minnesota, Dept. of Admin., Materials Management Division, Office Supply Connection, Plant Management Division; Capitol Complex General Services, Materials Transfer Services; and State Recycling Center are located within the I-1 "Light Industrial" District.

West: Regions Hospital, across Mississippi Street and U. S. Interstate 35E, is located within the B-5 "Central Business Service" District.

Based upon the predominance of commercial-retail, industrial and institutional uses in the immediate neighborhood, the proposed use is clearly compatible with the surrounding uses and zoning classifications.

It is noteworthy that Pawn America recently received the 2009 Jefferson Award for Corporate Philanthropy, which was given by the Minneapolis/St. Paul Business Journal.

The Minneapolis/St. Paul Business Journal also named Pawn America as one of the Top 50 fastest growing privately held companies in Minnesota for 2009. In 2007, Pawn America was named "Pawnbroker of the Year" by the National Pawnbroker's Association. Given these examples of Pawn America's fine corporate citizenship, it is clear that Pawn America will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. As described in the preceding paragraph, the area in which the Property is located is fully developed with commercial-retail, industrial and institutional uses. Granting Pawn America a Conditional Use Permit would in no way impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The proposed pawn store use will occupy an existing building, which had a similar commercial-retail use. Although Pawn America anticipates investing over \$500,000 to rehabilitate the existing building, it does not plan to increase the footprint or structural components. The proposed use is in substantial compliance with the City's Comprehensive Plan and with the purpose, intent, and applicable standards of the Zoning Ordinance. Pawn America will fill vacant commercial-retail space located alongside a major transportation corridor with a vibrant retail establishment, create 15-20 additional full-time jobs, and generate approximately \$100,000 in fees and tax revenue to the City of Saint Paul each year. Pawn America's proposed use is in character with both the existing use of the Property as well as the neighboring uses.

Section 65.531 (Development Standards for Pawn Stores).

In addition to the general requirements set forth in Section 61.501, Pawn America must also meet the following the development standards specified for pawn stores as set forth in Section 65.531:

1. The business shall be conducted within a completely enclosed building. This condition is met. As indicated on the attached site plan, Pawn America will conduct the Intended Uses completely within the existing building.
2. The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property. This condition is met. There is no residentially zoned property within 150 feet of the building.

Based upon the foregoing, Pawn America's Intended Uses of the Property meet the legal requirements set forth in Sections 61.501 and 65.531 of Saint Paul Zoning Code.

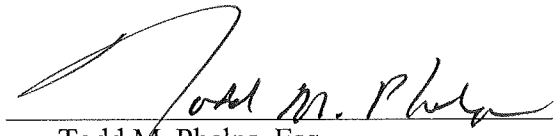
City of Saint Paul
November 12, 2009
Page 5

Thank you in advance for your time and consideration of Pawn America's Application. If you have any questions or concerns, please feel free to contact me at (612) 335-1871, Brad Rixmann at (952) 646-1762 or Jim Rock at (952) 465-3357.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

By



Todd M. Phelps, Esq.
*Real Property Law Specialist, certified
by the Minnesota State Bar Association*

Enclosure

cc: Councilmember Ward Two, Dave Thune (w/enc)
Ms. Leslie McMurray, Executive Director
Payne Phalen District Five Planning Council (w/enc)
Mr. Brad Rixmann (w/enc)
Mr. James R. Rock (w/enc)
Mr. Joe Sullivan (w/enc)
Jeffrey S. Johnson, Esq. (w/enc)
Timothy Welch, Esq. (w/enc)

Request for Continuance

Date: December 2, 2009

Gladys Morton, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 09-324603

Dear Ms. Morton:

I am the applicant or the applicant's duly appointed representative in the Zoning File above stated.

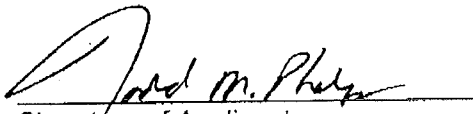
I request a continuance of the public hearing on the application in this Zoning File which is presently scheduled before the Zoning Committee on December 10, 2009

I understand that a continuance of the public hearing before the Zoning Committee means that the final decision of the Planning Commission on this application, which is presently scheduled on December 18, 2009, will also be continued.

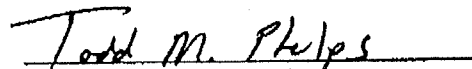
I understand that the Zoning Committee will continue the public hearing to December 29, 2009 And that the Planning Commission will make a decision on my application on January 8, 2010.

I am aware of and understand the statutory requirements found in Minn. Stat. § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to waive the statutory requirement for a decision on the application within the sixty day period.

Sincerely,



Signature of Applicant or
Applicant's duly appointed
representative.



Printed name of Applicant or
Applicant's duly appointed
representative.

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

506 Kenny Road, Suite 130, Saint Paul, MN 55130 651-774-5234

www.paynephalen.org

December 10, 2009

Chair Gladys Morton
Members of the Zoning Committee
City Hall
Saint Paul, MN

Dear Chair Morton and Members of the Zoning Committee:

The Payne Phalen District Five Planning Council respectfully requests that the hearing on the application for a CUP and Parking Variance for 334 University Avenue East be laid over to the January 14, 2010 meeting of the Zoning Committee.

The District Five Planning Council CPED Committee met with the applicant and their legal counsel on December 1, 2009. The matters under discussion were the CUP application, and the Class N License application. In consideration of the CUP, parking was a substantial issue for Committee members. Yet no information was provided by the applicant and we had no information from the City.

The day following our meeting, we learned from City staff that a Parking Variance would now be necessary. We were informed that the applicant was requesting that the public hearing be laid over until December 29, 2009. The District Council was unaware of a parking variance requirement in our public discussion.

Given the holiday calendar, the District Council believes it would be best to allow adequate time to notify and engage area business and property owners to consider the impact of the proposed parking variance as part of the overall proposal.

As of today (December 10, 2009), the District Council has not received any notice or description of the newly required parking variance.

Sincerely,

Leslie McMurray
Executive Director / Lead Organizer

MINUTES OF THE ZONING COMMITTEE
Thursday, December 10, 2009 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Donnelly-Cohen, Goodlow, Gordon, Johnson, Kramer, Margulies and Morton

ABSENT: Commers

STAFF: Samantha Langer, Patricia James, and Peter Warner

The meeting was chaired by Commissioner Morton.

Pawn America Minnesota - 09-324-603 - Conditional Use Permit for a pawn shop, 334 University Ave E, SE corner at Mississippi St

Chair Morton stated that the applicant requested that the case be laid over to December 29, 2009.

No one was present to speak in opposition or support.

Commissioner Kramer stated that the District Council submitted a letter requesting a different lay over date due to the fact that the District Council was not aware of the Variance at the time the District Council meeting.

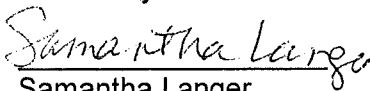
The public hearing remains open.

After discussion regarding the statutory deadline for action, Commissioner George Johnson moved lay over of the Conditional Use Permit to January 14, 2009, as requested by the District 5 Planning Council, with the condition that the City extend the deadline for action to comply with the 60-day law. Commissioner Richard Kramer seconded the motion.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



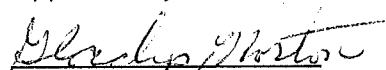
Samantha Langer
Recording Secretary

Submitted by:



Patricia James
Zoning Section

Approved by:



Gladys Morton
Chair



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

December 11, 2009

Pawn America Minnesota L.L.C.
Attn: Mr. Brad Rixmann
181 River Ridge Circl S
Burnsville MN 55337

Park Midway Bank
2171 University Ave W
St. Paul MN 55114

Leonard Street and Deinard
Attn: Mr Todd Phelps
150 S Fifth St Ste 2300
Minneapolis MN 55402

RE: Zoning File # 09-324-603, Pawn America Minnesota

Dear Mr. Brad Rixmann:

On November 13, 2009, you applied for a Conditional Use Permit for the property at 334 University Ave E. In the course of completing the staff report for the Conditional Use Permit, staff became aware of the need for a Variance for parking. In order to give appropriate time for public input, the Zoning Committee moved to lay over the public hearings for these cases until January 14, 2010.

Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made, but allows the City to extend this period for an additional 60 days (total of 120 days). In order to accommodate the Zoning Committee public hearing on your Conditional Use Permit, which is also required by state law, the City of Saint Paul is hereby extending the deadline for action from January 12, 2010, (original 60 day deadline) to March 12, 2010 (additional 60 day deadline). The Zoning Committee public hearing on this rezoning has been scheduled for January 14, 2010.

Please contact me at 651-266-6551 or emily.goodman@ci.stpaul.mn.us if you have questions.

Sincerely,


Emily Goodman
City Planner

File # 09-324-603
Zoning Administrator
License Inspector
District 5 Community Council



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General. 651-266-9008
Fax. (651) 266-9099

Zoning office use only
File Number: 09-511625
Fee: \$ _____
Tentative Hearing Date: 12-29-09
Section(s) _____
City agent pdd 12-14-09

APPLICANT

Name: Brad Rixmann/Pawn America Minnesota, L.L.C.
Address: 181 River Ridge Circle South
City: Burnsville **St.:** MN **Zip:** 55337 **Daytime Phone:** 952-646-1760
Property Interest of Applicant (owner, contract purchaser, etc): Lessee
Name of Owner (if different): Kathy Bjerke **Phone:** 651-523-7833

**PROPERTY
INFORMATION**

Address / Location: 334 East University Avenue, St. Paul, MN
Legal Description: See attached
(attach additional sheet if necessary)
Lot Size: 18,854 SF +/- **Present Zoning:** I-1 **Present Use:** Vacant (former retail appliance store)
Proposed Use: See attached

Variance[s] requested: See attached

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required: ☒ Site Plan

☒ Attachments

☒ Pro Forma

PAWN AMERICA MINNESOTA, L.L.C.

Applicant's Signature

By: 
Brad Rixmann, Chief Manager

Date: December 7, 2009

pdd 12/14/09



The City of Saint Paul
Minnesota's Capital City



Info Main City Contact

334 UNIVERSITY AVE E -- Property Information --

PIN	Zoning/Use	HPC District
312922140051	I1	

Information disclaimer...

Data Disclaimer:-

The City of Saint Paul and its officials, officers, employees or agents does not warrant the accuracy, reliability or timeliness of any information published by this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk.

List of Activity...

Number	Address	Description	Details	Status
89 018349 COM 00 XC	HOEFT ELECTRIC CO - 334 UNIVERSITY AVE E	ECLIPS License# 0018349	ECLIPS License - Car/Taxi HOEFT ELECTRIC CO - 334 UNIVERSITY AVE E Type: Commercial Vehicle Entered on: 06/01/1989	Canceled
09 328802 PAW 00 XS	PAWN AMERICA - 334 UNIVERSITY AVE E	ECLIPS License# 20090004867	ECLIPS License - Miscellaneous PAWN AMERICA - 334 UNIVERSITY AVE E Type: Pawn Shop Entered on: 01/24/2010	Pending
09 324603 000 00 PC	Pawn America Minnesota	Conditional Use Permit for a pawn shop	Planning Commission Cases Type: SCUP Work Type: Commercial Entered on: 11/13/2009	Pending
06 272102 000 00 RF	334 UNIVERSITY AVE E	Follow up on C of O folder approved with corrections.	Referral Type: C of O Entered on: 11/17/2006	Closed
06 272101 000 00 CO	334 UNIVERSITY AVE E	312922140051	Certificate of Occupancy Type: Mercantile Occupancy Type: Mercantile Sales Renewal Due Date: Jul 27, 2009 11/30/2009: Revoked/Unoccupied 08/27/2009: Correction Orders	Revoked/Unoccupied
05 109254 RPR 00 B	334 UNIVERSITY AVE E	N/A. 02/07/2007: Automatically closed by system due to no activity in one year.	Building Permit Type: Commercial Repair Issued Date: 06/01/2005 Final Date: 02/07/2007 Contractor: Thiers Construction Inc State Valuation: \$10,000.00 Activity (most recent first): Building Permit Inspection: Final Inspection - Appd/Ptl Structural Review: 05/31/2005: Approved Architectural (C) Review: 05/31/2005: Preliminary Plan Check 05/31/2005: Approved	Expired

05 095409	334		Plumbing/Gasfitting/Inside Water Piping	Finaled
GSF 00 PG UNIVERSITY			Type: Gasfitting Only Commercial Repair	
AVE E			Issued Date: 04/28/2005	
			Final Date: 05/05/2005	
			Contractor: Mcquillan Bros. Plumbing & Heating	
			Estimated Value: \$1,000.00	
03 338078	334	312922140051	Activity (most recent first):	
000 00 CO UNIVERSITY			MAIN-Plumbing Inspection: 05/04/2005: Final	
AVE E			Certificate of Occupancy	Certified
			Type: Mercantile	
			Occupancy Type: Mercantile Sales	
			Completed on: 11/17/2006	
			Paid In Full = Yes	
			Inspection Results (most recent first):	
			11/17/2006: Approved w/Corrections	
			1. EXTERIOR (REAR EXIT WAY): Ext. Guardrail	
			SPLC 34.09 (2) 34.32 (2) (Abated - 3rd	
			reinspection) - Severity 5	
			2. EXTERIOR (REAR EXIT WAY): Ext. Handrail	
			SPLC 34.09 (2) 34.32 (2) (Abated - 3rd	
			reinspection) - Severity 5	
			3. FIRST FLOOR: Provide Directional Exit Sign	
			MSFC 1010.1, 1003.2.10 (Deficiency - 3rd	
			reinspection) - Severity 5	
			4. SECOND FLOOR: Discontinue Use of Multi-	
			Plug Adapters MSFC 605.4 (Abated - 3rd	
			reinspection) - Severity 2	
			5. SECOND FLOOR: Discontinue Use of	
			Extension Cords MSFC 605.5 (Abated - 3rd	
			reinspection) - Severity 2	
			6. SECOND FLOOR: Protect Appliance Cord	
			From Physical Damage MSFC 605.5 (Abated -	
			3rd reinspection) - Severity 2	
			7. SECOND FLOOR: Aisle Width Employee area	
			< 50 MSFC 1010.1, 1004.3.1 (Abated - 3rd	
			reinspection)	
			10/02/2006: Correction Orders	
			07/25/2006: Correction Orders	
01 021427	334	312922140051	Certificate of Occupancy	History
MER 00 CO UNIVERSITY			Type: Mercantile	
AVE E			Occupancy Type: Mercantile Sales	
			Completed on: 08/08/2003	
			Paid In Full = Yes	
			Inspection Results (most recent first):	
			08/08/2003: Approved	
			1. BASEMENT: Remove Exposed Wiring MSFC	
			605.1 (Abated - 2nd reinspection) - Severity 4	
			2. ELECTRIC PANELS: Provide Elect. Panel	
			Clearance NEC 110-26 (Abated - 2nd	
			reinspection) - Severity 2	
			3. EMERGENCY LIGHTS: Emergency Lighting	
			Required MSFC 1010.5 (Abated - 2nd	
			reinspection) - Severity 7	
			4. GAS METERS: Clearance Around Equipment	
			UMC 1346.703 (Abated - 2nd reinspection)	
			06/30/2003: Correction Orders	

Move
Top ▲

LEONARD
STREET
AND
DEINARD

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

TODD M. PHELPS
612-335-1871 DIRECT
TODD.PHELPS@LEONARD.COM

December 11, 2009

VIA MESSENGER

Ms. Emily Goodman
City of Saint Paul
Department of Planning and Economic Development—Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Re: Pawn America Minnesota, L.L.C.—Application for Zoning Variance (Parking)
334 East University Avenue, Saint Paul (the “Property”)

Dear Ms. Goodman:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company (“Pawn America”), in support of the application for zoning variance attached as Exhibit A (the “Variance Application”), to reduce the required number of parking spaces on real property and improvements located at 334 East University Avenue, Saint Paul, Minnesota, legally described on the survey prepared by Loucks Associates dated September 2, 2009 attached as Exhibit B (the “Survey”). As noted on Exhibits B and C, the Property is zoned I-1 “Light Industrial District.” The Property is located near the southeast corner of U. S. Interstate 35E and University Avenue in the former Hoeft Appliance store.

As shown on the Survey, there is a single building (the “Building”) on the Property, which has two (2) floors, plus an unfinished basement, each of which is approximately 5,577 sq. ft. +/- . Pawn America intends to lease each of the two (2) floors, plus the unfinished basement in order to relocate its existing store from 956 Rice Street, Saint Paul, to the Property.

Pawn America has previously submitted an application for a Pawnbroker’s License and an application for a conditional use permit (the “CUP Application”) to conduct a pawn store use at the property pursuant to Sections 61.501 and 65.531 of the Code, and the other “Intended Uses” at the Property as defined in the CUP Application. As part of the CUP Application process, it was discovered that Pawn America’s Intended Uses of the Property would exceed the parking requirements set forth in Section 63.207 of the Code.

Under Sec. 63.207 of the Code, a “Pawn Shop” use, within a completely enclosed building, requires 1 parking space per 225 sq. ft of gross floor area. However, as indicated on the site plan attached as Exhibit D (the “Site Plan”), the unfinished basement and the upper floor of the Building will be used by Pawn

America solely for storage/warehouse and members of the general public will not have access to either of these two areas of the Building. The first floor of the Building will be used by Pawn America for pawn/retail space and members of the general public will have access to most of the first floor level.

Pawn America understands that because the basement and the second level of the building will be used exclusively for storage, and that members of the general public will not have access to these levels, that the City will require twenty-seven (27) parking spaces on the Property for Pawn America's Intended Use. However, according to the parking plan prepared by Loucks Associates, dated December 3, 2009 attached as Exhibit E (the "Parking Plan"), the Property can at most only support twenty-two (22) off-street parking spaces. Accordingly, Pawn America is submitting this Variance Application to reduce the required number of required parking spaces from twenty-seven (27) to twenty-two (22) parking spaces at the Property.

Section 61.600 (Variances)

Under Section 61.601, the Board of Zoning Appeals has the power to grant variances from the strict enforcement of the provisions of the Code upon making the following findings:

- A. The Property cannot be put to a reasonable use under the strict provisions of the Code. This finding is met. Pawn America understands that the Building was built in 1968, prior to the current parking requirements under the Code. The Property was recently foreclosed upon and is currently vacant. Pawn America anticipates investing over \$500,000 rehabilitating the Property, employing between 15-20 additional full-time employees, and generating approximately \$100,000 per year in revenue for the City of Saint Paul in licensing fees and sales and property taxes. Pawn America's Intended Uses of the Property are reasonable and strict adherence to the parking requirements under Sec. 63.207 would prevent Pawn America from rehabilitating and re-using this currently vacant building for the Intended Uses, which are permitted at the Property, subject to reasonable conditions.

Additionally, Pawn America understands that the City is contemplating amending the Code to reduce the required number of parking spaces for pawn stores and other retail uses. Under these new Code requirements, pawn stores and other retail uses would only need one (1) parking space per 400 sq. ft. of gross floor area. This would result in a parking requirement of only nineteen (19) spaces for Pawn America—well within the twenty-two (22) shown on the Parking Plan.

- B. The plight of the landowner is due to circumstances unique to the Property, and these circumstances were not created by the landowner. This finding is met. Again, the Building was apparently built in 1968 under prior Code requirements and is currently owned by Park Midway Bank, which acquired title through a foreclosure. The Bank is under contract to sell the Property to August Ventures, LLC, who in turn is leasing the Property to Pawn America. Neither Park Midway Bank, August Ventures, LLC, nor Pawn America created this shortfall of five (5) parking space on the Property. Unless the City adopts new Code requirements to reduce the number of parking spaces for retail uses, any subsequent retail user of the Property would require a similar variance.

Additionally, it should be noted that a parking variance from twenty-seven (27) to twenty-two (22) parking spaces at the Property is entirely appropriate in this case because the vast majority of the gross floor area of the Building will be used for storage/warehouse space, as indicated on the Site Plan. Because of the nature of its business, Pawn America is required under Minnesota law to hold its inventory for a period of no less than sixty (60) days. Consequently, it requires far more storage space than a traditional retailer would. Thus, as a practical matter, Pawn America's Intended Uses of the Property require far fewer parking than a traditional retailer would because the actual

pawn/retail floor space—that members of the general public have access to—is much less than a typical retailer.

- C. The proposed variance is in keeping with the spirit and intent of the Code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul. This finding is met. The proposed parking variance will contribute to the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul by allowing Pawn America to rehabilitate and reuse the currently vacant Building in a manner that is consistent with the Code and adjacent development. It should be noted that as shown on the Parking Plan, Pawn America would be removing an existing curb cut that is located close to the intersection of University Avenue and Mississippi Street. The removal of this access point, together with the one way traffic flow, will improve, ingress, egress and traffic conditions at the Property and the traffic circulation in the neighborhood—thus creating a safer environment for the inhabitants of the City of Saint Paul. Therefore, the propose variance comports fully with the spirit and intent of the Code.

Additionally, it should be noted that the Property is located on a major urban transit line (University Avenue), and consequently, it is likely that a higher than ordinary percentage of customers will use transit. Although the current Code does not provide for any parking “bonus” for being located on a transit line or encouraging transit use, Pawn America understands that the City is contemplating revising the current parking requirements under the Code to not only reduce the number of required parking spaces for this type of situation, but also to encourage transit usage.

- D. The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area. This finding is met. The proposed project is within the height and setback limits established by the Code and will not adversely affect the supply of light and air to adjacent properties.

The adjacent properties include the following:

- North: Buon Giorno Express, across University Avenue, is located within the I-2 “General Industrial” district.
- East: Kenny Boiler & Mfg., Co. is located within the I-1 “Light Industrial” District.
- South: The State of Minnesota, Dept. of Admin., Materials Management Division, Office Supply Connection, Plant Management Division; Capitol Complex General Services, Materials Transfer Services; and State Recycling Center are located within the I-1 “Light Industrial” District.
- West: Regions Hospital, across Mississippi Street and U. S. Interstate 35E, is located within the B-5 “Central Business Service” District.

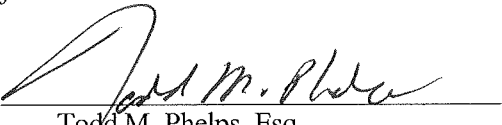
Based upon the predominance of commercial-retail, industrial and institutional uses in the immediate neighborhood, the proposed use is clearly compatible with the surrounding uses and zoning classifications. The variance will allow Pawn America to rehabilitate the Property in a manner that is consistent with adjacent development and will improve current traffic conditions and, therefore, will likely enhance surrounding property values.

- E. The variance, if granted, would not permit any use that is not permitted under the provisions of the Code for the Property in the district where the affected land is located, nor would it alter or change the zoning district classification of the Property. This finding is met. As previously noted, the Property is zoned I-1 "Light Industrial" District, and a pawn store use is a permitted use, subject to reasonable conditions, within the I-1 District.
- F. The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land. This finding is met. The primary purpose of the variance is to allow development that is consistent with the Code and the City of Saint Paul Comprehensive Plan. As more specifically set forth in the CUP Application, the goals of the Code and the Comprehensive Plan are to promote economic development and provide a balanced network for traffic movements within the City. Pawn America's plan to rehabilitate the Building and to enhance the traffic flow pattern at the Property furthers these goals.

Thank you in advance for your time and consideration of Pawn America's Application. A check made payable to the City of Saint Paul in the amount of \$680 for the application fee is enclosed. If you have any questions or concerns, please feel free to contact me at (612) 335-1871, Brad Rixmann at (952) 646-1762 or Jim Rock at (952) 465-3357.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

By 
Todd M. Phelps, Esq.
*Real Property Law Specialist, certified
by the Minnesota State Bar Association*

Enclosure

cc: Councilmember Ward Two, Dave Thune (w/enc)
Ms. Leslie McMurray, Executive Director
Payne Phalen District Five Planning Council (w/enc)
Mr. Brad Rixmann (w/enc)
Mr. James R. Rock (w/enc)
Mr. Joe Sullivan (w/enc)
Jeffrey S. Johnson, Esq. (w/enc)
Timothy Welch, Esq. (w/enc)

LEONARD
STREET
AND
DEINARD

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

TODD M. PHELPS
612-335-1871 DIRECT
TODD.PHELPS@LEONARD.COM

December 11, 2009

VIA MESSENGER

Ms. Emily Goodman
City of Saint Paul
Department of Planning and Economic Development—Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

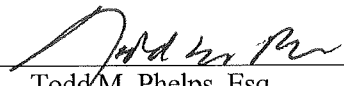
Re: Pawn America Minnesota, L.L.C.—Additional Requested Information
334 East University Avenue, Saint Paul (the “Property”)

Dear Ms. Goodman:

When we last spoke, you requested additional information regarding the proposed signage plan for the Property and information regarding the Industrial Loan and Thrift Company charter, held by Pawn America’s affiliate, Payday America, Inc. Enclosed is the tentative signage plan as well as the ILC charter. If you have any questions or concerns, please feel free to contact me at (612) 335-1871, Brad Rixmann at (952) 646-1762 or Jim Rock at (952) 465-3357.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

By 
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Mr. Joe Sullivan (w/enc)
Jeffrey S. Johnson, Esq. (w/enc)
Timothy Welch, Esq. (w/enc)

JEWELRY. GOLD. DIAMONDS. AUDIO. VIDEO.

PawnAmerica
Payday America

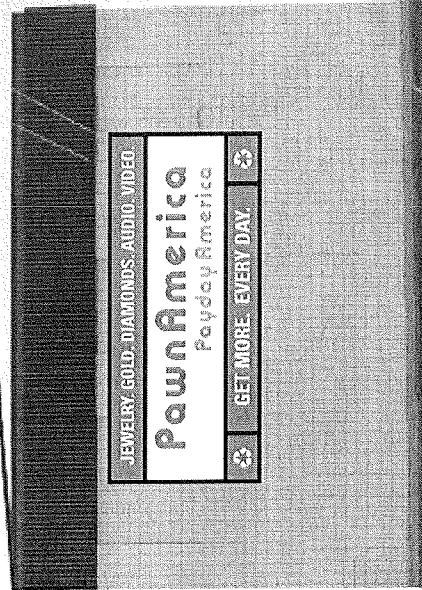
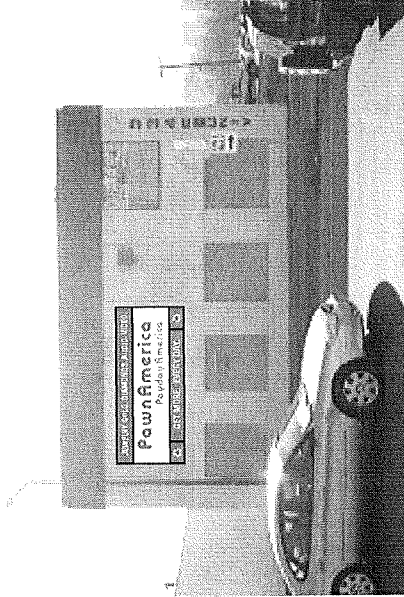
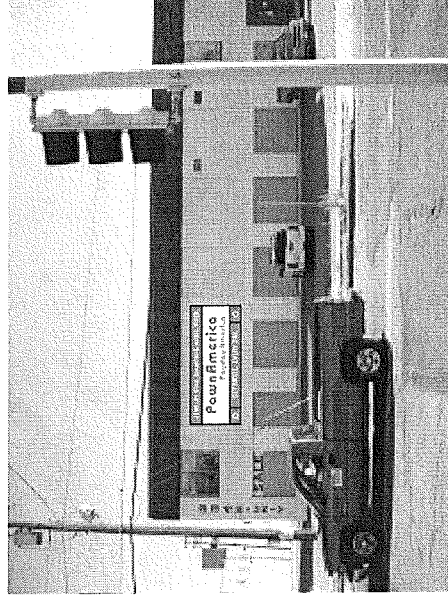
GET MORE. EVERY DAY.

ILLUMINATED STORE SIGN

PawnAmerica

GET YOUR SPARKLE ON.

BILLBOARD





85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

BULLETIN NO. 7574**CERTIFICATE OF AUTHORIZATION**

The Commissioner of Commerce has authorized the issuance of certificates of authorization for the 17 offices of the following industrial loan and thrift company. This does not include authority to sell and issue thrift certificates for investment nor savings accounts and savings deposits. The locations of the authorizations are as follows:

IL 199

Payday America, Inc.
181 River Ridge Circle South
Burnsville, MN 55337
Dakota County

IL 199A

Payday America, Inc.
701 West Main Street
Anoka, MN 55303
Anoka County

IL 199B

Payday America, Inc.
8650 Lyndale Avenue South
Bloomington, MN 55420
Hennepin County

IL 199C

Payday America, Inc.
14011 Grand Avenue
Burnsville, MN 55337
Dakota County

IL 199D

Payday America, Inc.
15 Coon Rapids Blvd.
Coon Rapids, MN 55448
Anoka County

IL 199E

Payday America, Inc.
339 East Central Entrance
Duluth, MN 55811
St. Louis County

IL 199F

Payday America, Inc.
789 53rd Avenue NE
Fridley, MN 55421
Anoka County

IL 199G

Payday America, Inc.
168 North Blake Road
Hopkins, MN 55343
Hennepin County

IL 199H

Payday America, Inc.
1703 Madison Avenue
Mankato, MN 56001
Blue Earth County

IL 199I

Payday America, Inc.
4121 Lakeland Avenue
Robbinsdale, MN 55422
Hennepin County

Certificate of Authorizations
May 11, 2005
Page 2

IL 199J

Payday America, Inc.
4134 West Broadway
Robbinsdale, MN 55422
Hennepin County

IL 199L

Payday America, Inc.
1715 North Rice St.
Roseville, MN 55113
Ramsey County

IL 199N

Payday America, Inc.
1696 Suburban Avenue
St. Paul, MN 55106
Ramsey County

IL 199P

Payday America, Inc.
1399 South Robert Street
West St. Paul, MN 55118
Dakota County

IL 199K

Payday America, Inc.
27 Ninth Street SE
Rochester, MN 55904
Olmsted County

IL 199M

Payday America, Inc.
4170 Division St.
St. Cloud, MN 56301
Stearns County

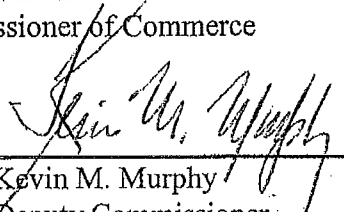
IL 199O

Payday America, Inc.
1636 University Avenue
St. Paul, MN 55104
Ramsey County

I hereby certify that the applicants have complied with the provisions of law and that the location approvals are; therefore, effective May 11, 2005

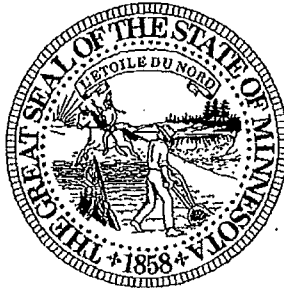
Dated: May 11, 2005

Glenn Wilson
Commissioner of Commerce


By: Kevin M. Murphy
Deputy Commissioner

(SEAL)

STATE OF MINNESOTA



DEPARTMENT OF COMMERCE

The Undersigned
COMMISSIONER OF COMMERCE
for the State of Minnesota
hereby certifies that

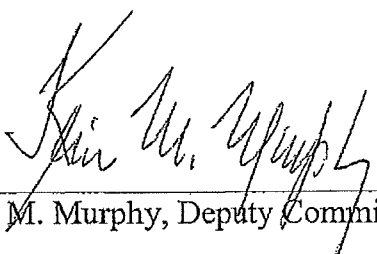
PAYDAY AMERICA, INC.

has made application, paid the fees required and in all other respects complied with the laws of the State of Minnesota and is hereby authorized to transact the business of an industrial loan and thrift company,

at: 181 River Ridge Circle South, Burnsville, MN 55337
unless this authority be suspended, revoked, or otherwise legally terminated. This certificate shall be in effect until further order of the Commissioner.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Commerce, of the State of Minnesota at my office in the City of St. Paul, Minnesota, this 11th day of May, 2005.




Kevin M. Murphy, Deputy Commissioner

General Notes

1. The current Zoning for the subject property is L-1 (light industrial district) per the City of St. Paul's zoning map found on their web site on the date of September 4, 2009. The proposed use for this site is a pawn shop. The parking requirements for said use was obtained from a table laid out in section 63.207 of the Zoning Ordinance found on their web site on the aforementioned date and are as follows:

Sec. 63.207. Parking requirements by use.

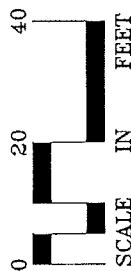
The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Land Use	Minimum Number of Parking Spaces
Pawn shop, within a completely enclosed building	1 space per 225 sq. ft. GFA
Pawn shop, with outdoor sales space	1 space per 400 sq. ft. of area for sales, office, plus 1 space per 2,000 sq. ft. of outdoor sales

2. Please note that the existing conditions were obtained from a ALTA/ACSM Land Title Survey prepared by Loucks Associates dated September 2nd, 2009.

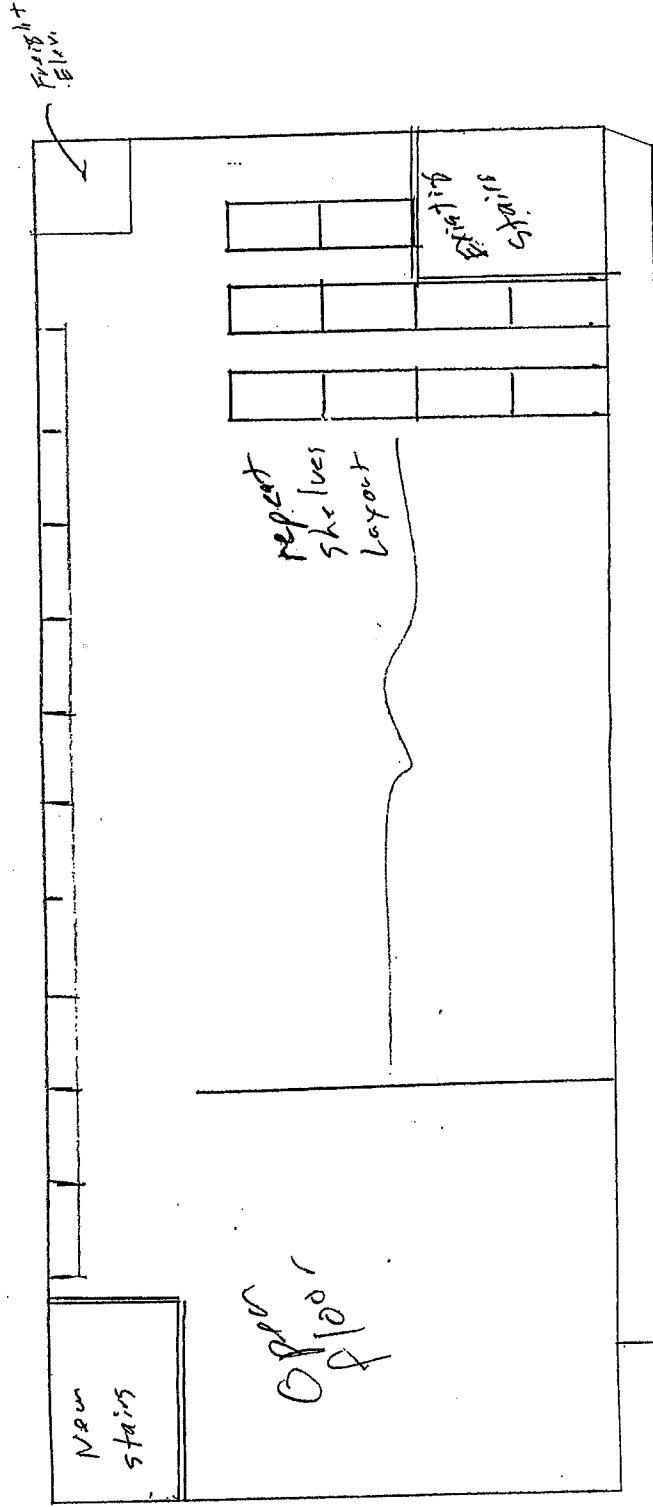
SURVEY LEGEND – EXISTING CONDITIONS

CATCH BASIN	STORM SEWER
STORM MANHOLE	SANITARY SEWER
SANITARY MANHOLE	WATERMAIN
WATER MANHOLE	UNDERGROUND ELECTRIC
HYDRANT	UNDERGROUND GAS
GATE VALVE	UNDERGROUND TELEPHONE
TELEPHONE PEDESTAL	OVERHEAD UTILITY
POWER POLE	CHAIN LINK FENCE
LIGHT POLE	CONCRETE CURB
SIGN	CONCRETE

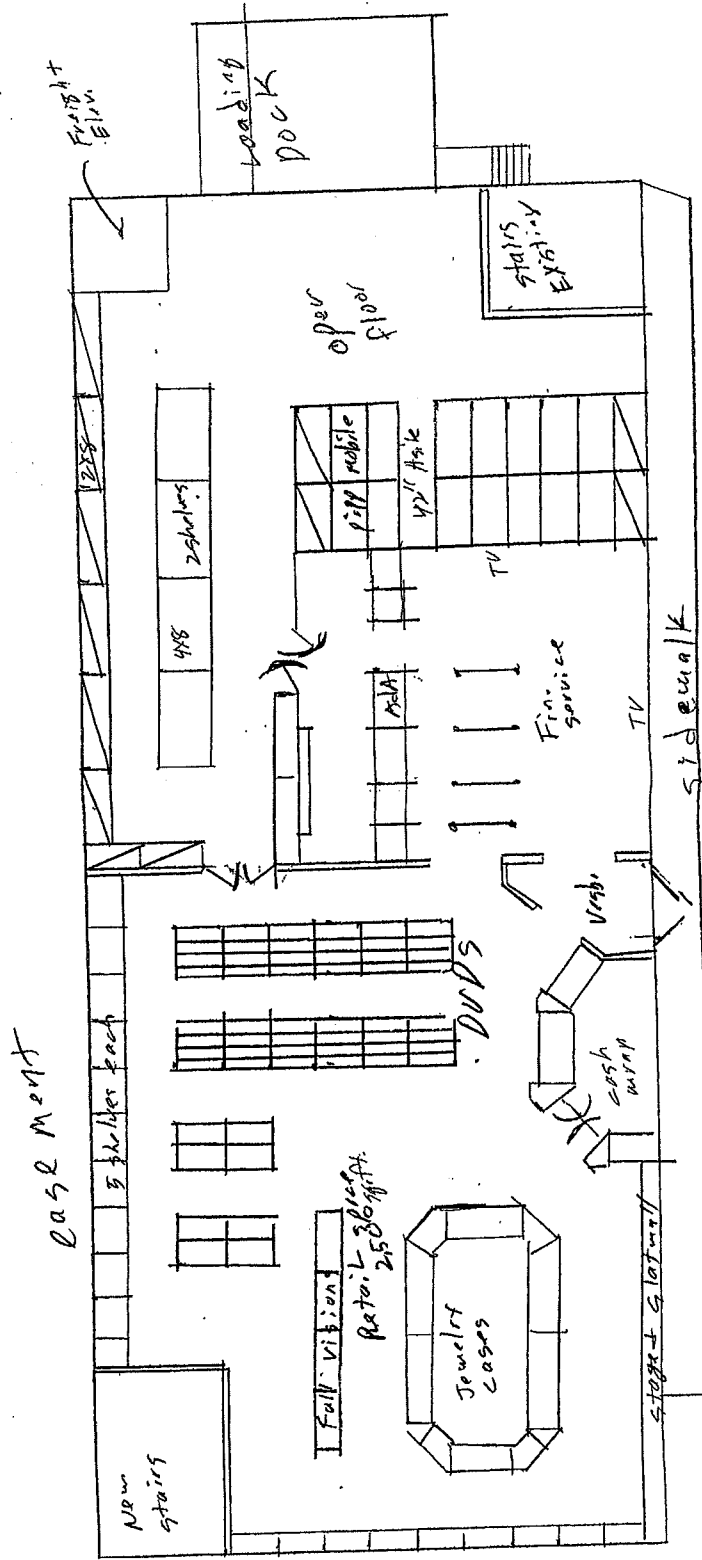


334 University Ave
 St. Paul
 Basement & Second floor
 3/32 = 1

The Basement of the Building will be used solely for storage/warehouse and members of the general public will not have access to this level.



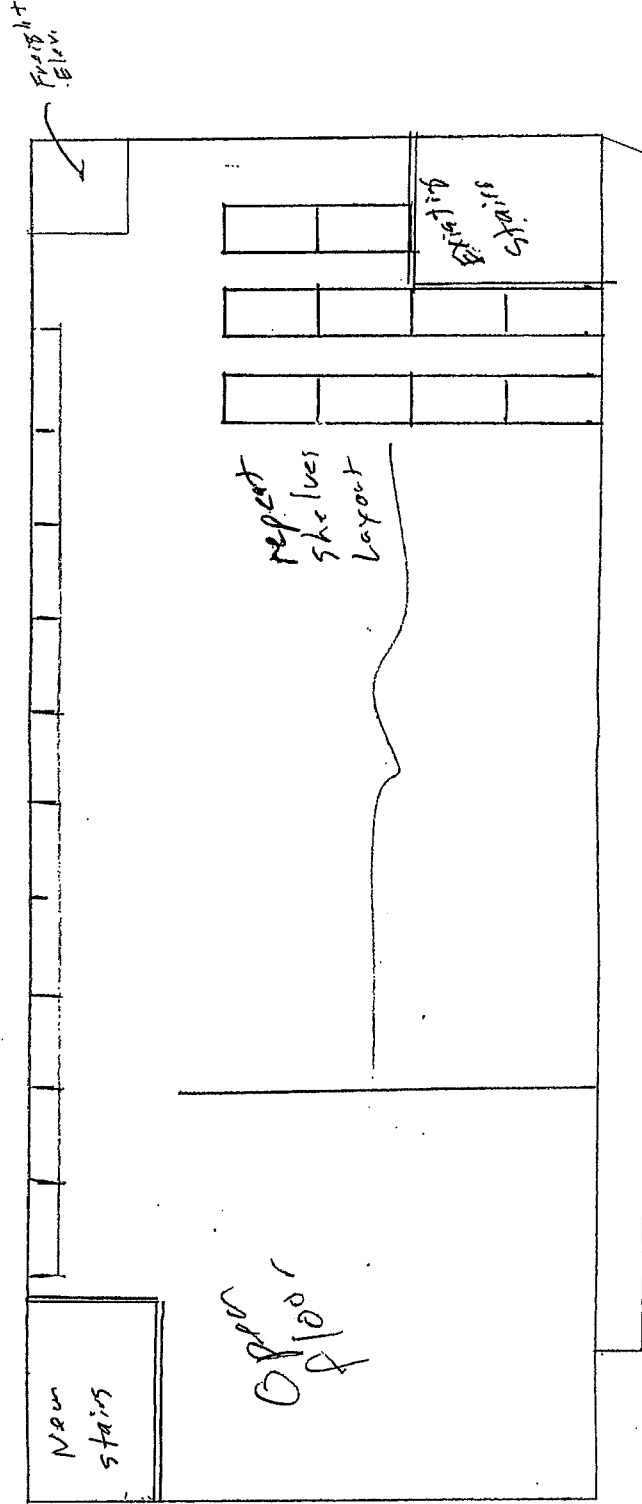
First Floor

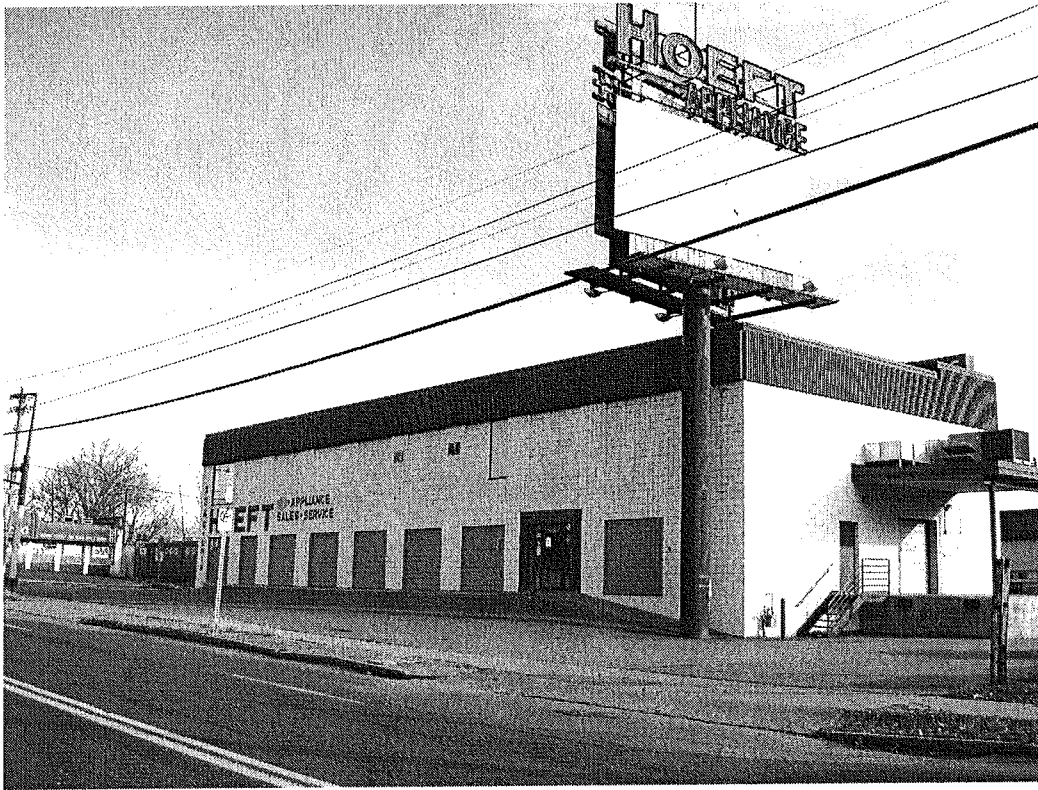
$$\frac{3}{32} = 1'$$


parking

334 University Ave
St. Paul
Basement & Second Floor
3/32 = 1

The Second Floor of the Building will be used solely for storage/warehouse and members of the general public will not have access to this level.





View of 334 University Avenue East, taken from Mississippi Street facing northeast.



View 334 University Avenue East, taken from Mississippi Street/University Avenue facing southeast.

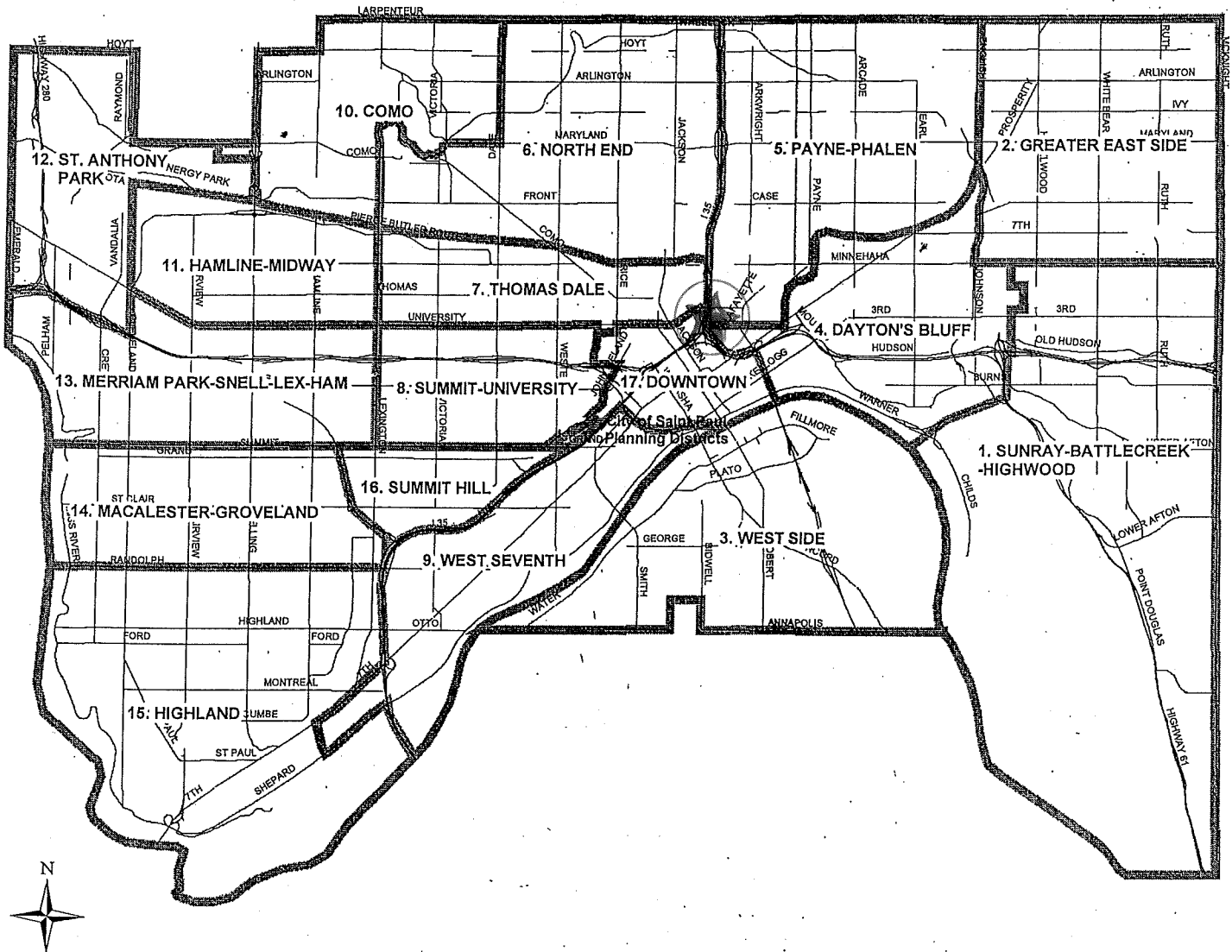


View of 334 University Avenue East, taken from University Avenue, facing south.



View of 334 University Avenue East, taken from the southern portion of the property, facing west.

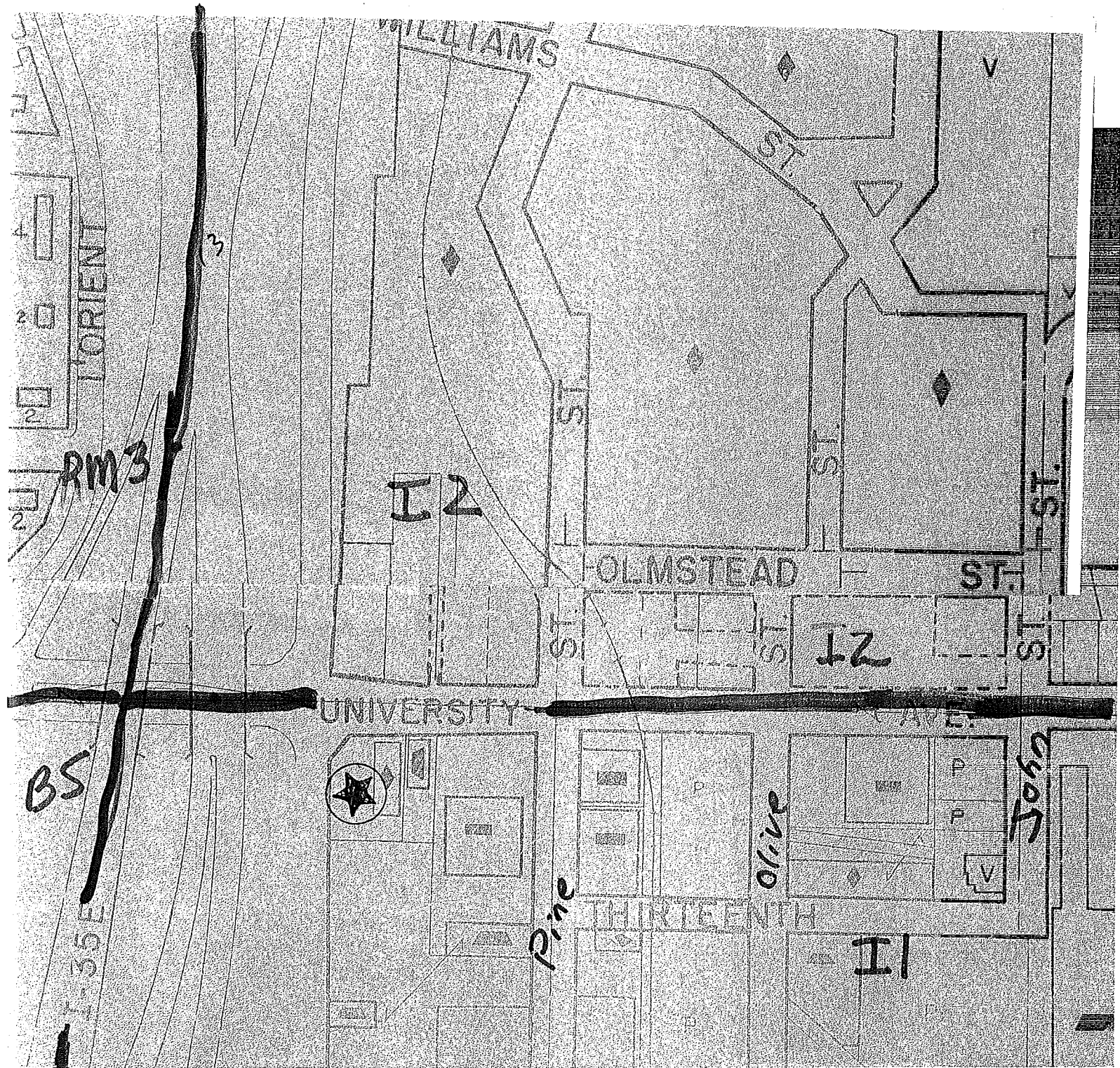
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-324603



APPLICANT Brad Rixmann / Pawn America

PURPOSE Conditional Use Permit

FILE # 09-324603 DATE 11-17-09

PLNG. DIST. 5 MAP # 13 + 21

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

FILE # 09 423979

1. **APPLICANT:** Semper Development Ltd. **HEARING DATE:** 1/14/10
 2. **TYPE OF APPLICATION:** Site Plan Review
 3. **LOCATION:** 2101 Ford Pkwy
 4. **PIN & LEGAL DESCRIPTION:** 172823110083
Saint Catherine Park Lots 18 And Lot 19 Blk 9
 5. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B2
 6. **ZONING CODE REFERENCE:** 61.402.c
 7. **STAFF REPORT DATE:** 1/7/10 **BY:** Tom Beach
 8. **DATE RECEIVED:** 12/4/09 **DEADLINE FOR ACTION:** 2/2/10
-

A. **PURPOSE:** Site plan review for a new Walgreens store and a second commercial building

B. **PARCEL SIZE:** 27,061 square feet (215 x 125')

C. **EXISTING LAND USE:** Gas station (vacant) and a one-story retail building.

D. **SURROUNDING LAND USE:**

North: Single-family residential (R4)
East: Commercial (B2)
South: Commercial (B2)
West: Parking ramp and commercial (B2)

E. **ZONING CODE CITATION:** 61.402.c

F. **PROJECT OVERVIEW:** The site currently has two businesses: a gas station (that is not currently open) and a one-story retail building. Walgreens plans to demolish these existing buildings.

The site plan calls for two new commercial buildings and a parking lot:

- A new Walgreens store would be built on the east part of the site. It would have a main floor (8,519 square feet of floor area) and an unfinished basement that will be used for storage (5,000 square feet).
- A smaller commercial building (1,000 square feet) would be built near the corner of Ford and Finn.

The exterior of both buildings will be a combination of brick and manufactured stone. The entrance to the Walgreens building will be at the southwest corner of the building, facing Ford Parkway and the parking lot. There will be windows on all four sides of the building, with most of them on the front side (facing Ford Parkway) and the west side (facing the parking lot). Some of the windows will be clear glass that will allow views into and out of the building. The other windows will be spandrel glass which is opaque.

The site plan shows 39 off-street parking spaces and two bike racks. 39 off-street parking spaces are required for a building of this size by the zoning code.

Access to the parking lot would be from two driveways: one on Ford Parkway and one on Finn Street. Access on Ford would be restricted to Right-In and Right-Out.

Deliveries will be from the parking lot. Most deliveries are from small trucks. A large truck will come once a week to make deliveries for Walgreens.

The parking lot will be screened from the street by the proposed buildings in some areas. In other areas the lot will be landscaped with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

A monument sign is proposed along Ford Parkway, in addition to signs on the building.

- G. **HISTORY:** Semper Development submitted an earlier site plan for a Walgreens at this site in June 2009. The main differences between that site plan and the current site plan are that the earlier plan did not have a second building on the corner and some deliveries would have been made by trucks using the alley.

The Planning Commission approved the site plan on September 18, 2009. An appeal was filed by UFCW Local 789. The City Council upheld the appeal and denied the site plan because it was not consistent with Design Standards in the Zoning Code the call for commercial buildings in pedestrian oriented areas to "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable."

- H. **DISTRICT COUNCIL RECOMMENDATION:** District 15 will be meeting on the Walgreens site plan before the hearing at the Zoning Committee. Staff will email a copy of their decision to the Committee.

- I. **FINDINGS:** Section 61.402.c of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan is consistent with this finding. The District 15 Highland Park Neighborhood Plan calls for "incorporat[ing] a mix of uses and a pedestrian-friendly environment in commercial areas." (The plan also supports rezoning portions of Highland Village to TN2 which would bring additional design standards but this has not been done.)

2. *Applicable ordinances of the City of Saint Paul.*

The site plan is consistent with this finding. The proposed use is permitted in the B2 zoning district. The site plan meets all zoning requirements including minimum number of parking spaces, setbacks, lot coverage, building height.

The site plan is consistent with the City's design standards for pedestrian oriented commercial areas (Section 63.110.c).

- These standards say that buildings must "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or

unreasonable." The plan calls for a second building at the corner of Ford and Finn.

- The design standards say that "buildings shall have windows and door openings facing the street." However, the standards do not specify how many windows or whether they need to be clear glass. The proposed buildings will meet the TN2 standards that say that 50% of the frontage of the first floor must have clear windows that allow views into and out of the building.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan is consistent with this finding. The site does not have unique geologic or geographic characteristics. The proposed development will be in keeping with the character of the area as it has developed over the last 60 years.

The gas tanks from the existing old station will be removed as a part of the demolition under a permit from the City.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan is consistent with this finding. Surface water will be directed to the City storm sewer system. The parking lot will be screened from residents across the alley to the north. Views, light and air will not be affected.

There is currently a problem with cars driving north on Finn from Ford Parkway and then going into the alley behind the site (even though the alleys have "Do Not Enter" signs.) The site plan shows an island with a roll-over curb extending into Finn Street that would make it harder for cars to enter the alley from Finn.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan is consistent with this finding. The site plan will limit the impact on the residential property to the north across the alley. The location of the driveways will minimize the impact on Ford Parkway. The buildings will be built up to the sidewalk on Ford Parkway which is consistent with the existing buildings on the north side of Ford.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan is consistent with this finding. The site plan meets current standard practices for landscaping, site layout and building design.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The intersection of Ford and Finn already has a high level of traffic and so Saint Paul Public Works required Wagreens to submit a Traffic Impact Study for the project. The main recommendation in the study is to widen Finn a few feet so that an additional southbound lane can be added. Public Works staff determined that the site plan is acceptable if Finn Street is widened and the additional lane is added.

The site currently has 4 driveways. The site plans would reduce this to two driveways. The proposed driveway on Ford Parkway would be constructed to limit cars to Right-In and Right-Out only.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan is consistent with this finding. The site plan has been reviewed by Public Works and they have determined that it meets City standards subject to some minor changes.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The site plan is consistent with this finding. The parking lot would be screened from the street by the smaller commercial building and heavily landscaped on the remaining street frontage with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

The site plan shows that 39 off-street parking spaces and two bike racks will be provided. The zoning code requires a minimum of 39 spaces. (For comparison, the two existing businesses on the site have a total of 15 off-street parking spaces.)

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan is consistent with this finding. Two accessible parking spaces will be provided and the entrances to the buildings will be accessible from the public sidewalk.

11. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan is consistent with this finding. The site plan shows that erosion and sediment control measures will be used during construction, including silt fences, rock construction entrances, inlet protection and street sweeping.

J. STAFF RECOMMENDATION:

Based on the findings above, the staff recommends approval of the site plan to allow construction of two new commercial buildings at 2101 Ford Parkway, subject to the condition that final plans for sewers and stormwater drainage must be approved by Public Works Sewer Division.

ATTACHMENTS

Traffic Impact Study prepared by Wenck Associates and Public Works response
Site plan and building elevations
Site photos and location map

Traffic Impact Study for Walgreens

2111 Ford Parkway
St. Paul, MN

Wenck File #2271-03

Prepared for:

SEMPER DEVELOPMENT

Prepared by:

WENCK ASSOCIATES, INC.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
(763) 479-4200

August 14, 2009



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1.0 Executive Summary

The purpose of this Traffic Impact Study is to evaluate the traffic impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley
- Ford Parkway/Cretin Avenue
- Ford Parkway/Cleveland Avenue

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only. The project is expected to be complete in 2010.

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.

- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.
- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.
- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

2.0 Purpose and Background

The purpose of this Traffic Impact Study is to evaluate the traffic impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley
- Ford Parkway/Cretin Avenue
- Ford Parkway/Cleveland Avenue

Proposed Development Characteristics

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

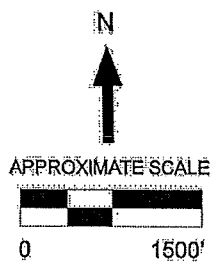
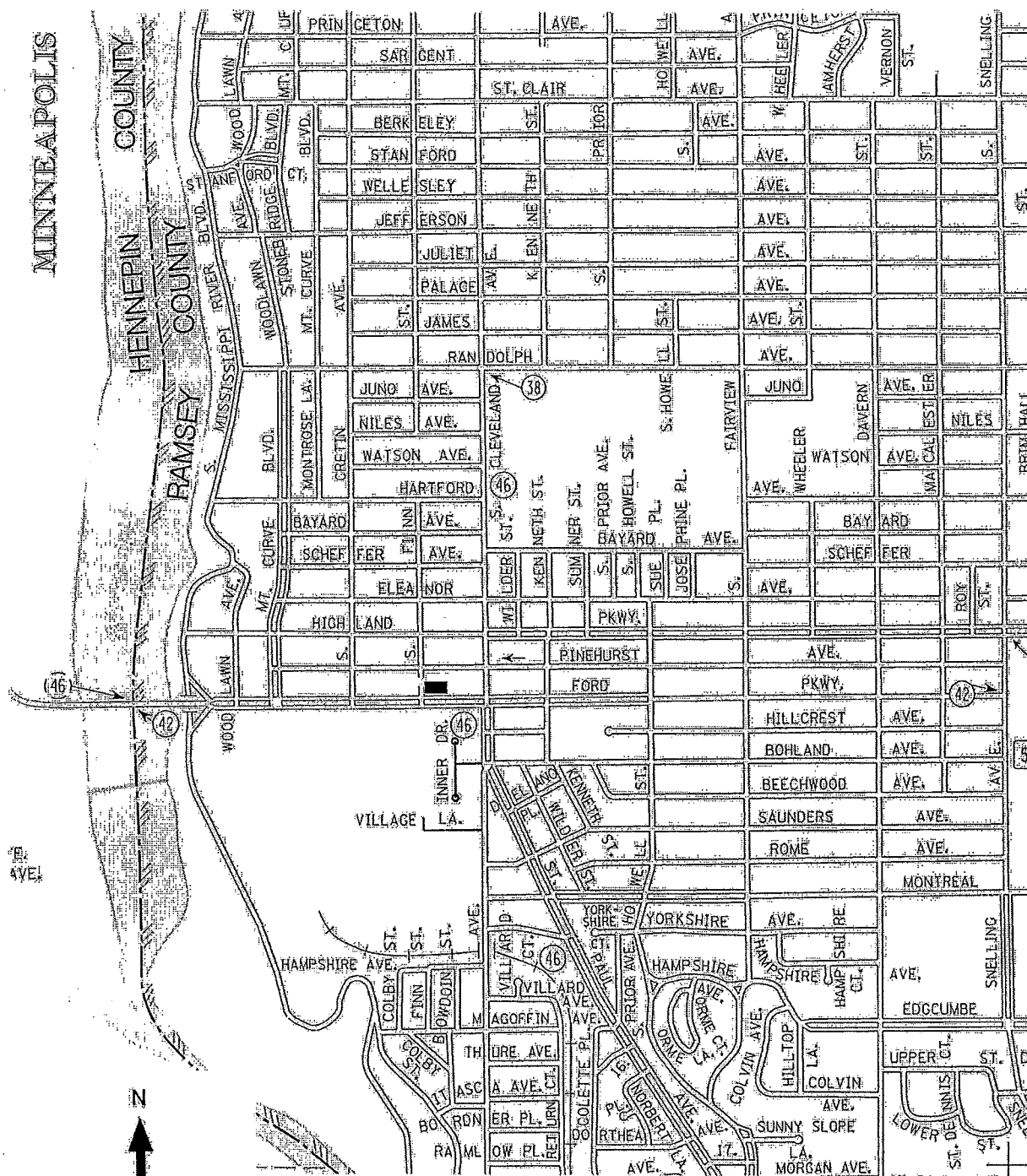
The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only.

The current site plan is shown in **Figure 2**. The project is expected to be complete in 2010.

MINNEAPOLIS

HENNEPIN COUNTY

RAMSEY COUNTY



PROJECT LOCATION



TRAFFIC IMPACT STUDY
FOR WALGREENS
IN ST. PAUL, MN

FIGURE 1
PROJECT LOCATION

3.0 Existing Conditions

The proposed site currently consists of a gasoline service station (no longer operating) and a commercial building. The project site is bounded by Ford Parkway on the south, Finn Street on the west, a one-way public alley on the north, and commercial land uses on the east. Ford Parkway along the property frontage is an undivided five-lane section. Raised medians on Ford Parkway are introduced both east and west of the site. Finn Street along the property frontage is a two-way street that dead ends at the public alley adjacent to the site. The public alley is a narrow one-way alley that accommodates westbound vehicles east of Finn Street and eastbound vehicles west of Finn Street.

Along the property frontage, transit shelters and designated bus stops exist on the westbound approach both on the north and south sides of Ford Parkway. On-street parking is currently allowed along the property frontage except in the vicinity of the bus stop.

Existing conditions at the proposed project location are shown in **Figure 3**.

Ford Parkway/Finn Street

The signalized intersection of Ford Parkway/Finn Street provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one lane for all movements. The northbound approach consists of one through-left turn lane and one right turn lane. A site visit revealed that pavement markings for the northbound approach lack designation for the northbound through movement (only a left arrow and right arrow are shown). Striped crosswalks and pedestrian signal heads are present on all four approaches.

Finn Street/Ramp Access

Although not signed, both eastbound and westbound driveways cross sidewalks along Finn Street and are required to stop by state statute. The northbound and southbound approaches are uncontrolled. This intersection designates the northern limit of two-way operation for this segment of Finn Street. One traffic lane accommodates all legal movements for each approach.

Finn Street/Public Alley

This "tee" intersection is uncontrolled and consists of eastbound one-way travel west of Finn Street and westbound one-way travel east of Finn Street. Although the pavement width exists, there are no northbound lanes approaching this intersection.

Ford Parkway/Cretin Avenue

The signalized intersection of Ford Parkway/Cretin Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound

approaches. The southbound approach consists of two undesignated approach lanes. Based on alignment with the opposing northbound approach, these southbound lanes operate as one through-left turn lane and one right turn lane. The northbound approach consists of one lane for all movements. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Ford Parkway/Cleveland Avenue

The signalized intersection of Ford Parkway/Cleveland Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one dedicated left turn lane, one through lane, and one through-right turn lane. The northbound approach consists of dedicated left turn lane and one through-right turn lane. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Turn movement data for the intersections along Finn Street were collected during the weekday a.m. and p.m. peak periods in June, 2009. Turn movement data for the Cretin Avenue and Cleveland Avenue intersections with Ford Parkway were collected during the weekday a.m. and p.m. peak periods in August, 2009.

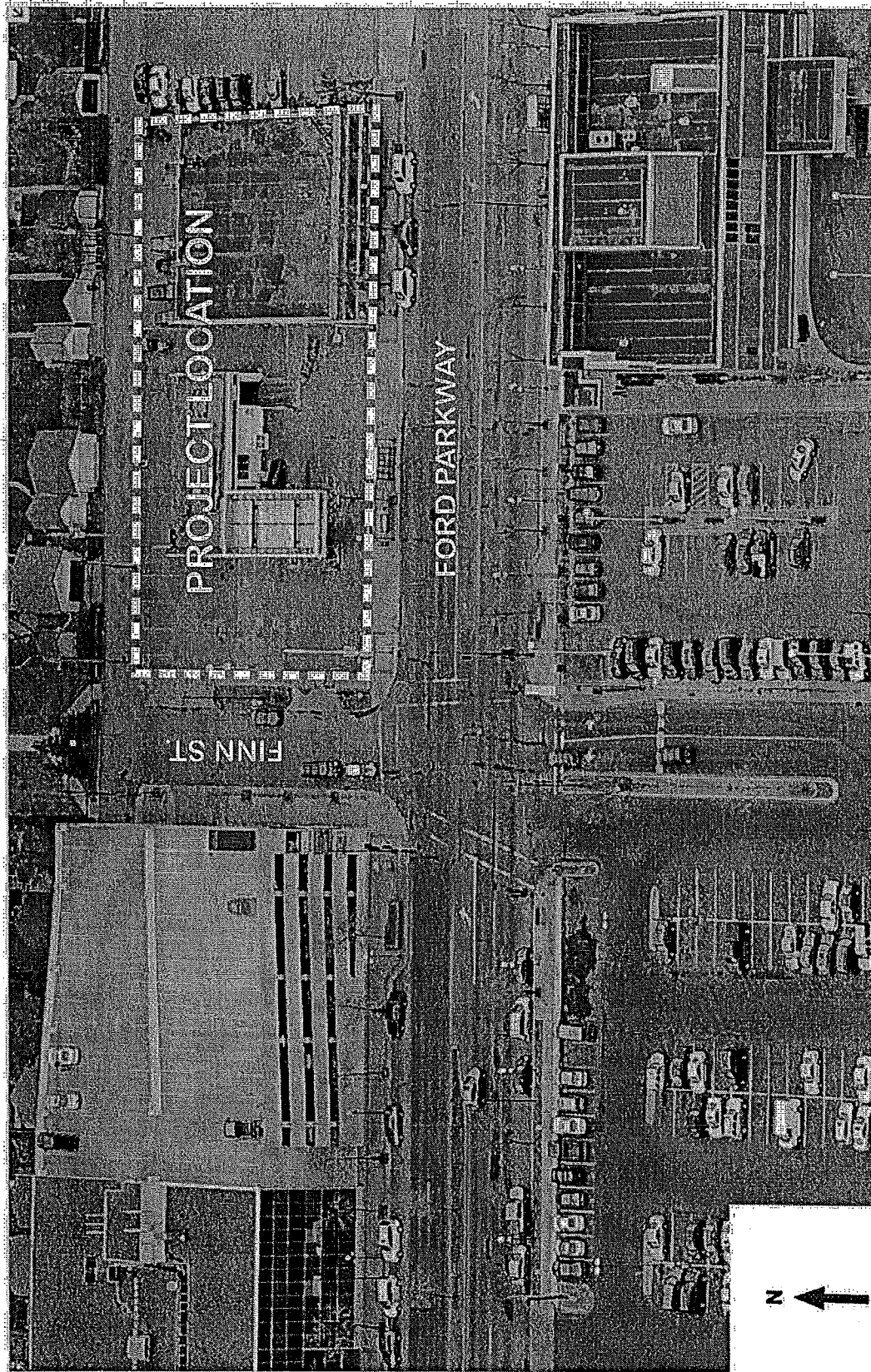
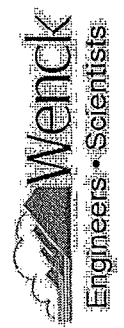


FIGURE 3
EXISTING CONDITIONS

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN



4.0 Traffic Forecasts

Traffic Forecast Scenarios

To adequately address the impacts of the proposed project, forecasts and analyses were completed for the year 2011. Specifically, weekday a.m. and p.m. peak hour traffic forecasts were completed for the following scenarios:

- *Existing (2009).* Existing volumes were determined through traffic counts at the subject intersections.
- *2011 No-Build.* Existing volumes at the subject intersections were increased by two percent per year to determine 2011 No-Build volumes. Due to the developed nature of the area, the two percent per year growth rate provides a conservative analysis.
- *2011 Build.* Trips generated by the proposed Walgreens were added to the 2011 No-Build volumes to determine 2011 Build volumes.

Trip Generation

Weekday a.m. and p.m. peak hour trip generation for the existing land uses and proposed development were calculated based on data presented in the eighth edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The resultant trip generation is shown in **Table 1, Table 2 and Table 3** for a.m., p.m., and daily trips respectively. *For existing vs. proposed comparison purposes only*, trips generated by the existing land uses are also provided.

**Table 1
Typical Weekday AM Peak Hour Trip Generation**

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	22	21	27	25	95
Party City	7,566	GFA	0	0	0	0	0
Existing Land Use Total			22	21	27	25	95
Proposed Land Use							
Walgreens	13,983	GFA	19	13	8	5	45

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions
3. Party City is not open during the weekday a.m. peak hour.

Table 2
Typical Weekday PM Peak Hour Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	26	24	32	30	112
Party City	7,566	GFA	7	8	3	3	21
Existing Land Use Total			33	32	35	33	133
Proposed Land Use							
Walgreens	13,983	GFA	41	41	18	18	118

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

Table 3
Typical Weekday Daily Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Weekday Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	275	275	336	336	1,222
Party City	7,566	GFA	117	117	50	50	334
Existing Land Use Total			392	392	386	386	1,556
Proposed Land Use							
Walgreens	13,983	GFA	441	441	189	189	1,260

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

The trips shown in Table 1, Table 2, and Table 3 are classified into two categories:

- New Vehicle Trips – Trips solely to and from the proposed development
- Pass-By Vehicle Trips – Trips made as intermediate stops “on the way” from an origin to a primary destination without a route diversion. Pass-by trips are attracted from existing traffic passing the site on an adjacent street or roadway that offers direct access to the site. These are trips by vehicles that are currently passing through the subject intersections and will continue to do so.

The percentage of trips shown in the tables and assigned to each trip type described above was based on data provided in the ITE Trip Generation Handbook, Second Edition. Based on this data, 70 percent of the total Walgreens trips are new trips and 30 percent are pass-by trips. For the comparison shown in the trip generation tables above, pass-by for existing land uses are as follows:

- Gasoline/Service Station with Convenience & Carwash – 45 percent new trips/55 percent pass-by
- Party City – 70 percent new trips/30 percent pass-by

Trip Distribution Percentages

Trip distribution percentages for the subject development trips were established based on the nearby roadway network, existing and expected future traffic patterns, and location of the subject development in relation to major attractions and population concentrations. The distribution percentages for new trips generated by the proposed development are as follows:

- 55% to/from the east on Ford Parkway. The distribution is further divided at Cleveland Avenue to 8% to/from the north, 28% to/from the east, and 19% to/from the south.
- 45% to/from the west on Ford Parkway. The distribution is further divided at Cretin Avenue to 10% to/from the north and 35% to/from the west.

Traffic Volumes

Development trips were assigned to the surrounding roadway network using the preceding trip distribution percentages. The resultant distribution is shown in **Figure 4**. Traffic volumes were established for all the forecasting scenarios described earlier during both the weekday a.m. and p.m. peak hours. The resultant traffic volumes are presented in **Figures 5 and 6**.

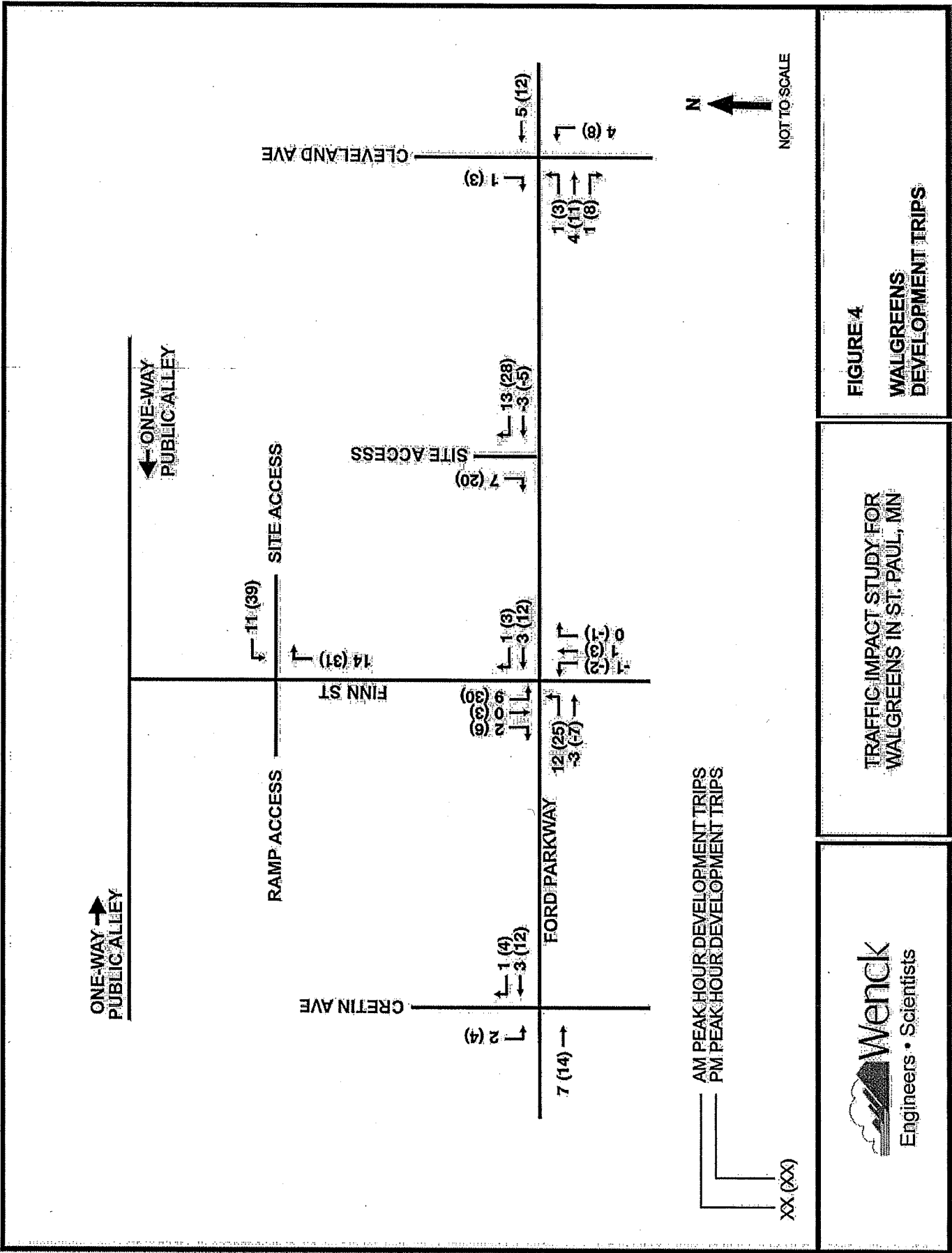
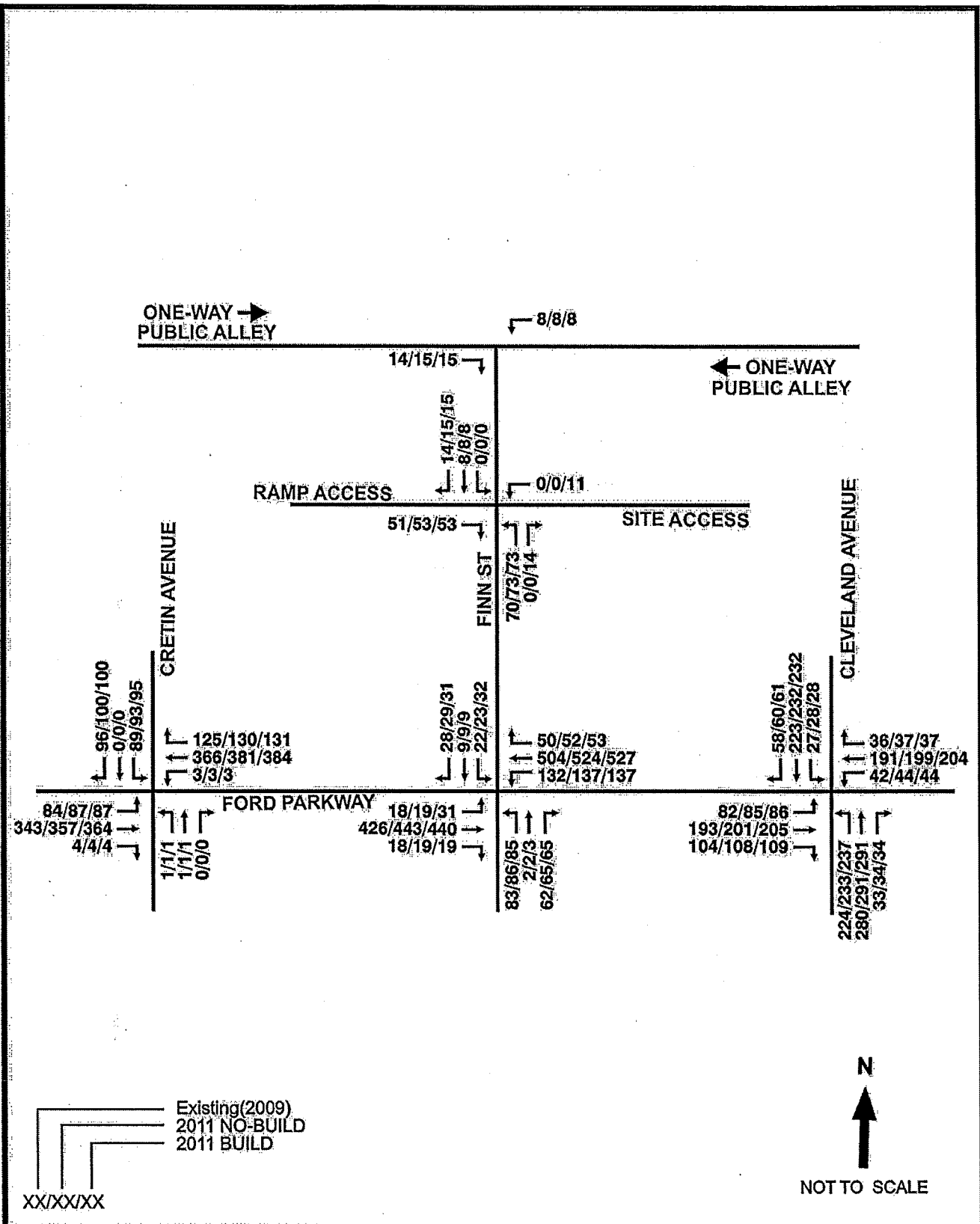
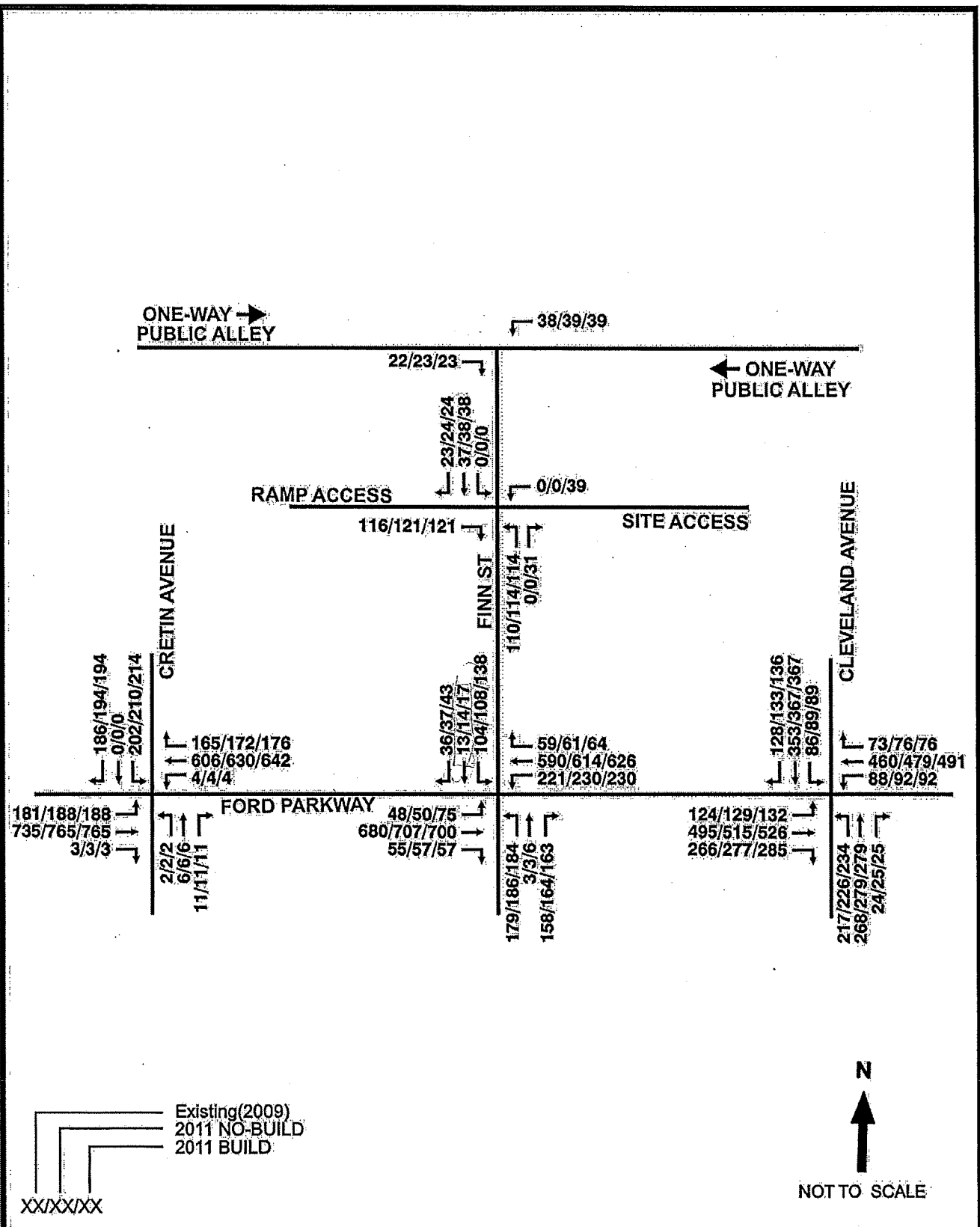


FIGURE 4
WALGREENS
DEVELOPMENT TRIPS

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN







5.0 Traffic Analysis

Intersection Level of Service Analysis

Traffic analyses were completed for the subject intersections for all scenarios described earlier during both the weekday a.m. and p.m. peak hours using Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Capacity analysis results are presented in terms of level of service (LOS), which range from A to F. LOS A represents the best intersection operation, with very little delay for each vehicle using the intersection. LOS F represents the worst intersection operation, with excessive delay for each vehicle using the intersection. Level of service results are shown in **Figures 7 and 8**. Discussion for each individual intersection is provided below.

Ford Parkway/Finn Street (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements except the southbound movements operate at LOS D or better and the overall intersection operates at LOS C or better. The southbound movements operate at LOS D under 2009 and 2011 No Build conditions and LOS E under 2011 Build conditions.

During the 2011 Build condition, an additional southbound approach lane improves the p.m. peak hour LOS for the southbound through and right turn movements to LOS D. The LOS for southbound left turns remains unchanged. The overall intersection operates at LOS B.

Finn Street/Ramp Access (driveways are stop controlled) - During the a.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Finn Street/Public Alley (uncontrolled) - During the a.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Ford Parkway/Cretin Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Ford Parkway/Cleveland Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Field observations and traffic simulation modeling for Ford Parkway indicate significant eastbound vehicle queue lengths during the p.m. peak hour at Cleveland Avenue. This queue occurs under both existing and future conditions. As supported by the level of service results, the number of trips added by the proposed project has minimal impacts on operations at the Cleveland Avenue intersection. City staff has optimized the signal timing at the Ford Parkway/Cleveland Avenue intersection to best accommodate the traffic volumes.

Southbound Vehicle Queue Lengths at Ford Parkway

The 95th percentile maximum queue lengths were estimated using the Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Mitigation analysis was completed with an additional southbound approach lane. The available storage for this movement is approximately 80 feet. The resultant queue lengths are shown in **Table 3**.

**Table 3 Weekday A.M. and P.M. Peak Hour
95th Percentile Vehicle Queue Lengths For Southbound Finn Street (in feet)**

AM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
	↕	↕	↕
2009 Existing	56		
2011 No Build	57		
2011 Build	66	35	47
PM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
	↕	↕	↕
2009 Existing	156		
2011 No Build	163		
2011 Build	201	41	155

As presented in **Table 3**, during the a.m. peak hour the 95th percentile queue with the existing lane geometry is less than the available storage for all scenarios (i.e. less than 80 feet). The a.m. peak hour queue lengths for the build scenario are reduced further under the mitigation geometry. During the p.m. peak hour, the 95th percentile queue with the existing lane geometry is greater than the available storage for all scenarios (i.e. greater than 80 feet). The p.m. peak hour queue lengths for the build scenario are reduced slightly below the 2009 Existing queue length under the mitigation geometry; however, the queue length for the left turn lane remains greater than the available storage. For the build scenario, operations under the proposed mitigation result in queue lengths for the left turn very close to those currently experienced for this movement.

Recommended Street Configuration for Finn Street

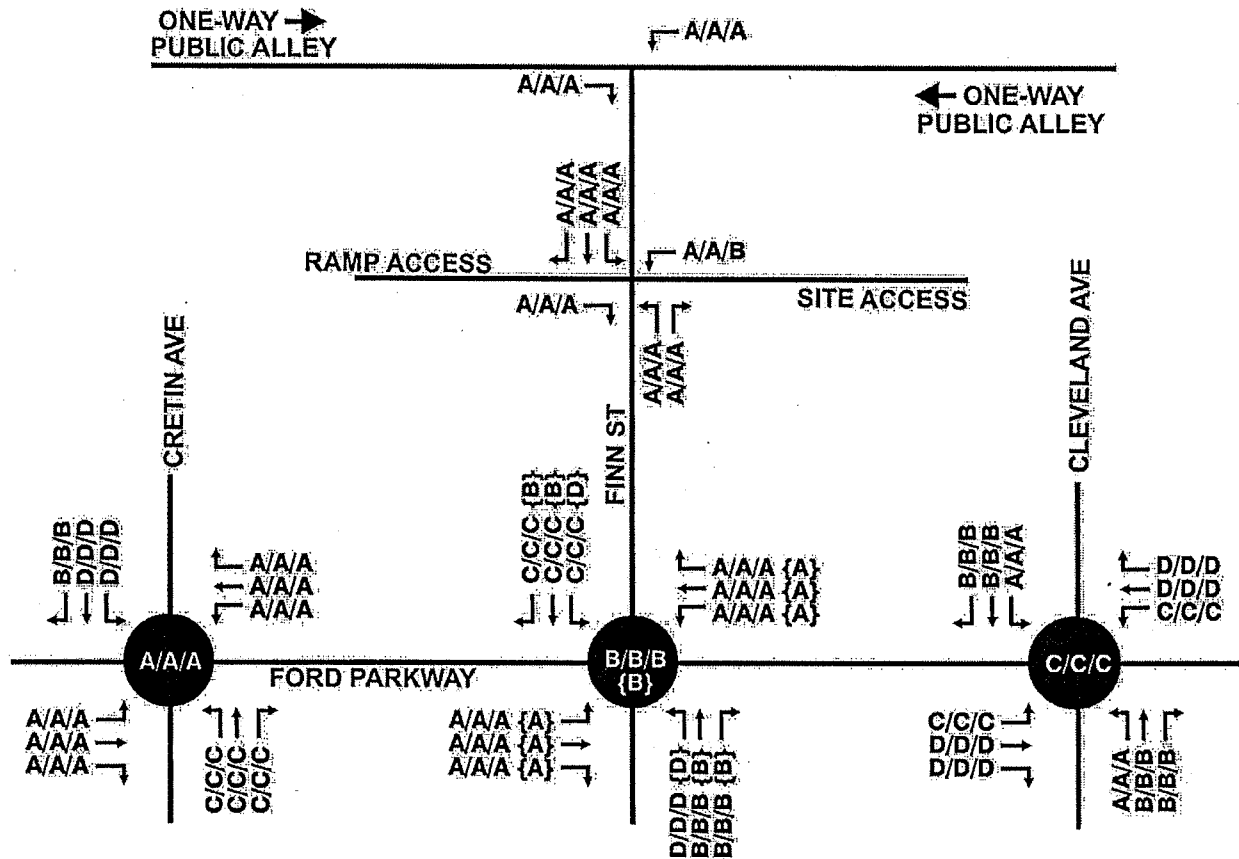
Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.

Pedestrian Safety Along Ford Parkway

As previously noted, the proposed site plan removes two full-access driveways along the subject property frontage, one on Ford Parkway and one on Finn Street. Pedestrian safety along the property frontage is improved by removal of these two existing vehicle/pedestrian conflict points.

The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections. Pedestrian signal head timing is independent of traffic volume and is based on roadway width and pedestrian walking speeds.

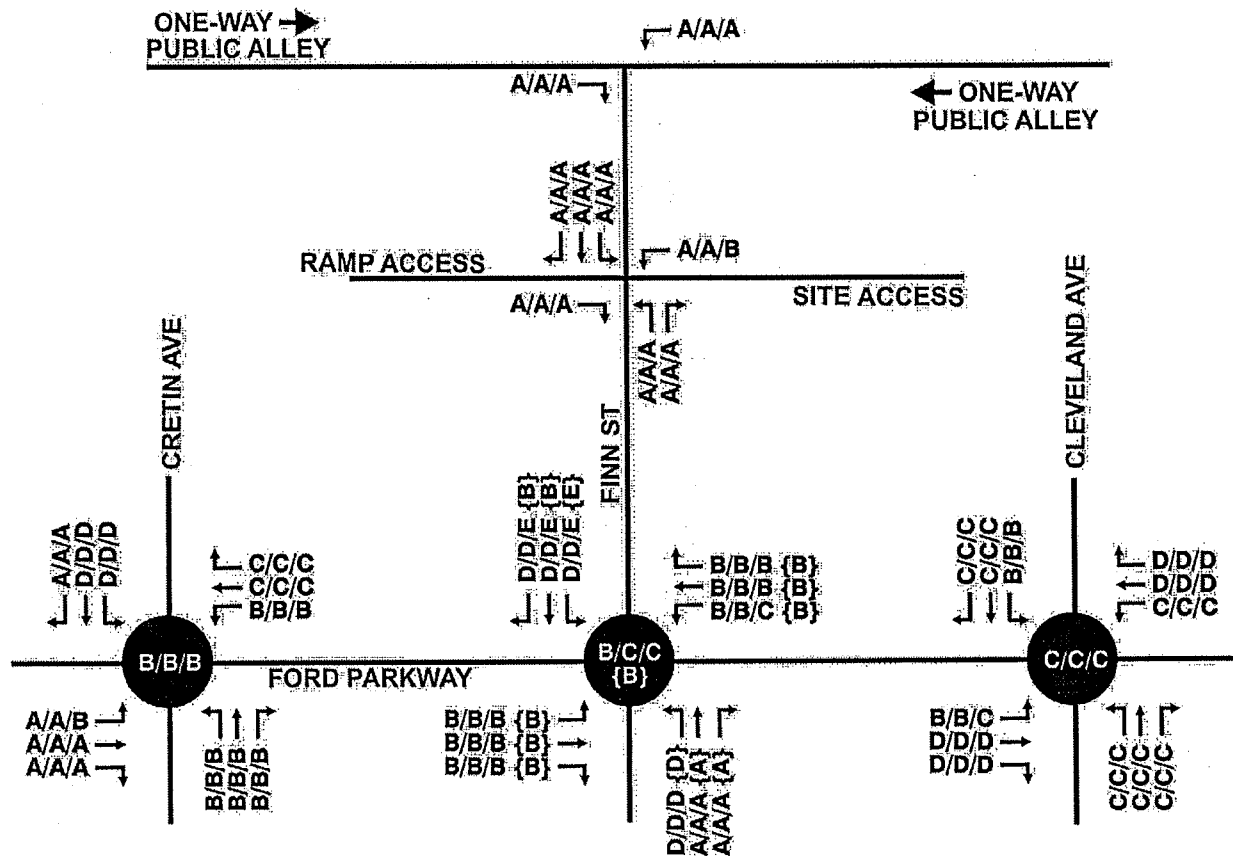
N
↑
NOT TO SCALE



Note:

Mitigation at the Ford Parkway/Finn Street Intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.

N
↑
NOT TO SCALE



Existing (2009)
2011 NO-BUILD
2011 BUILD
XX/XX/XX (BUILD LOS WITH MITIGATION)

Note:

Mitigation at the Ford Parkway/Finn Street Intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.

6.0 Conclusions and Recommendations

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.
- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.
- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

7.0 Appendix

Trip Generation Worksheet

WORKSHEET 3.1

Space is provided below to allow you to calculate the number of trips generated by your proposed development.

Land use	# Units	Trip generation rate	Pass-by trip percentage	Internal trip percentage <i>multi-purpose</i>	Total trips generated
PROPOSED LAND USE					
Pharmacy Drug Store without Drive-through window	13,983 SF	AM 3.2/1000	30	0	45
		PM 8.42/1000	30	0	118
		Daily 90.06/1000	30	0	1200
EXISTING LAND USE					
gas/service w/ conv. + car wash	8 VFP	AM 11.93/VFP	55	0	95
		PM 13.91/VFP	55	0	112
		Daily 152.84/VFP	55	0	1223
Party City Spec. Retail	7,566 SF	AM - closed	N/A	N/A	0
		PM 2.71/1000	30	0	21
		Daily 44.32/1000	30	0	335

To: Tom Beach
DSI, 375 Jackson St.

From: Linda Murphy
Traffic Engineering, 800 City Hall Annex

Re: Walgreen's on Finn & Ford

Date: August 25, 2009

Traffic Engineering has reviewed the revised Traffic Impact Study (TIS) submitted by Wenck Associates dated August 14, 2009. We concur with their conclusions as to the impact of the development on the level of service of the area intersections that were analyzed and with respect to their trip assignment methodology and traffic analysis.

They have shown that the Walgreens will generate less traffic than the previous uses that were on the site – the gas station and party supply store. (Table 3, page 4-2)

They have analyzed the intersections of Ford/Finn, Ford/Cretin, and Ford/Cleveland, along with Finn/public alley, Finn/Ramp access plus their proposed driveways. All movements at all intersections currently operate at a level of service (LOS) of D or better in both the AM and PM peak and the overall intersections operate at a LOS of C or better. A LOS of D or better is an acceptable level. Levels of E or F would require some mitigation to improve the level of service.

Intersections of Ford/Cretin & Ford/Cleveland

Their study shows that the impact of the Walgreens development on the intersections of Ford/Cretin and Ford/Cleveland will be insignificant. Figure 6 of their study shows there will be less than a 2% increase in traffic at the Ford/Cleveland intersection in the PM peak hour due to the development, and less than a 1% increase in traffic at the Ford/Cretin intersection. The PM peak is used as a reference because that is the worst hour of traffic.

All movements at these two intersections will continue to operate at a LOS of D or better in the AM and PM peak with a LOS of C or better for the overall operation of intersections during the AM and PM peak. No improvements are needed at these intersections to accommodate this development.

Intersection of Ford/Finn

All movements at the intersection of Ford/Finn currently operate at a LOS of D or better in the AM and PM peak and the overall intersection currently operates at a LOS of C or better. With this development the southbound movement would go from a LOS D to a LOS E during the PM peak.

Walgreen's is proposing to add an additional southbound approach lane on Finn at Ford which would improve the LOS to D or better for all movements PM peak, and an overall LOS of B for the operation of the entire intersection. This is an improvement over the current LOS of C for the entire intersection in the PM peak.

Intersections of Finn/Public Alley and Finn/Ramp

Their study shows no improvements necessary at this intersection due to their development. The neighborhood has requested a bump-out on the north side of the Walgreen's Finn driveway to provide a barrier to prevent northbound Finn traffic from entering the one-way alley from the wrong direction. We are in agreement with the neighborhood request.

For the intersection of Finn and the parking ramp driveway, their study shows that under all scenarios, all movements will operate at LOS B or better in both the AM and PM peak. No improvements are necessary at this driveway to accommodate the development.

Pedestrian Safety and Development Driveways

We concur with their conclusions regarding improved pedestrian safety due to the removal of 2 full access driveways along the site. We have also requested their monument sign not be placed near their driveway, to maintain good sight lines for drivers exiting the Ford Parkway driveway.

Traffic Recommendations

After reviewing Walgreen's revised Traffic Impact Study and revised site plan, Traffic Engineering recommends approval of their plan and study subject to the following requirements:

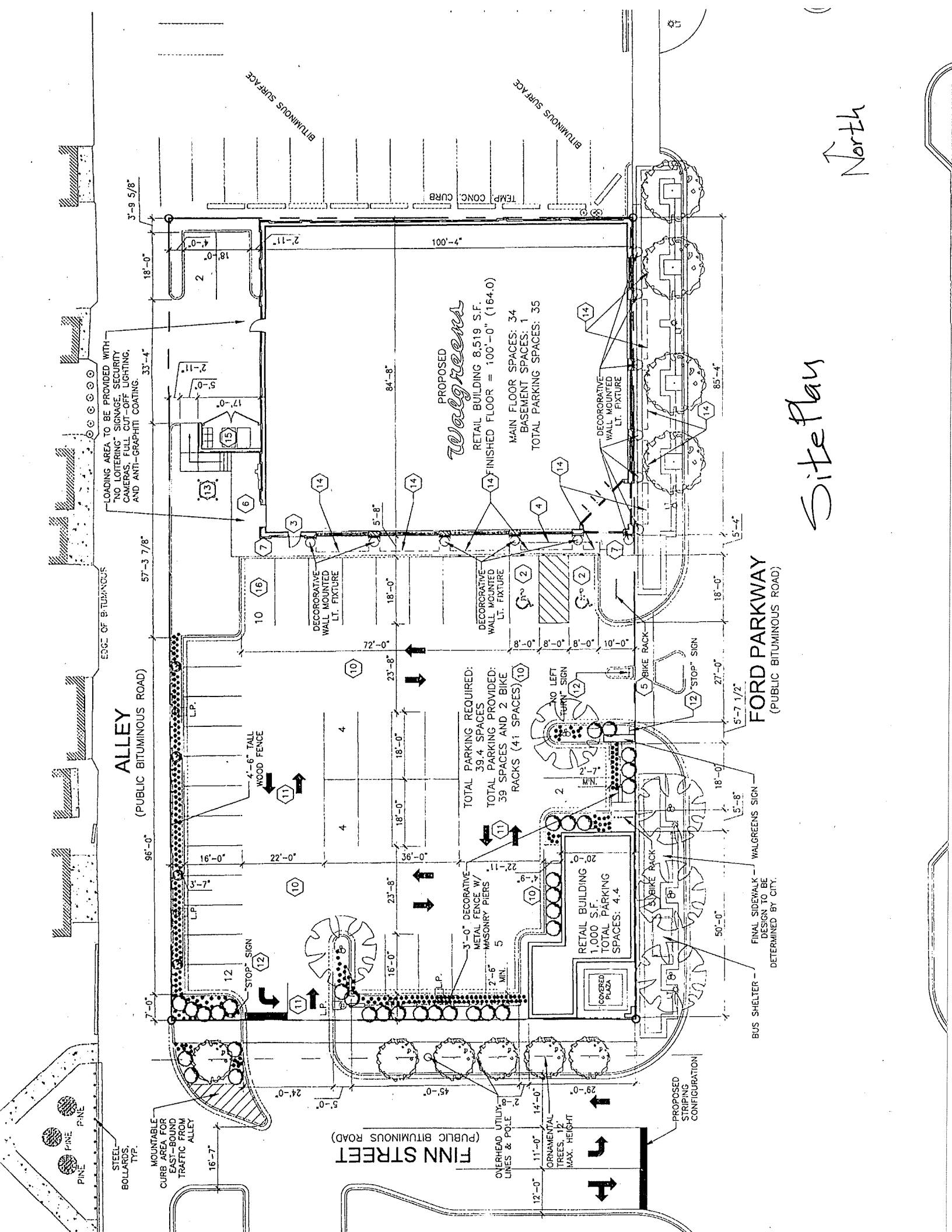
Walgreen's shall widen Finn Street north of Ford under an ordinance permit issued by Public Works Street Engineering in accordance Traffic Engineering's recommendations as stated in paragraph 4, page 6-1 of their TIS and as shown on their latest site plan incorporated into the TIS. All costs for the reconstruction of Finn and changes to the Finn/Ford intersection shall be the responsibility of the developer including, but not limited to relocating signal, lighting and other facilities.

Their site plan shall include the following note: "Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Linda Murphy, Traffic Engineering, 651-266-6205 six weeks in advance of needed signs."

Their monument sign near the Ford Pkwy driveway needs to be moved away from their driveway to allow clear visibility of pedestrians for exiting drivers.

Public Works can also ban parking, as necessary, on either side of their driveway to further enhance site lines for exiting drivers. All costs for the installation of No Parking signs would be the responsibility of the project.

Plantings on the bump-out at the Finn driveway just south of the alley must be low plantings no higher than 18" at maturity to prevent sight line issues.



ALLEY
(PUBLIC BITUMINOUS ROAD)

3'-9 5/8"

57'-3 7/8"

96'-0"

7'-0"

16'-7"

18'-0"

33'-4"

16'-0"

3'-7"

22'-0"

24'-0"

2'-11"

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LOADING AREA TO BE PROVIDED WITH
"NO LOITERING" SIGNAGE, SECURITY
CAMERAS, FULL CUT-OFF LIGHTING,
AND ANTI-GRAPHTI COATING.

EDGE OF BITUMINOUS

4'-6" TALL
WOOD FENCE

STOP SIGN

MOUNTABLE
CURB AREA FOR
EAST-BOUND
TRAFFIC FROM
ALLEY

STEEL
BOLLARDS,
TYP.

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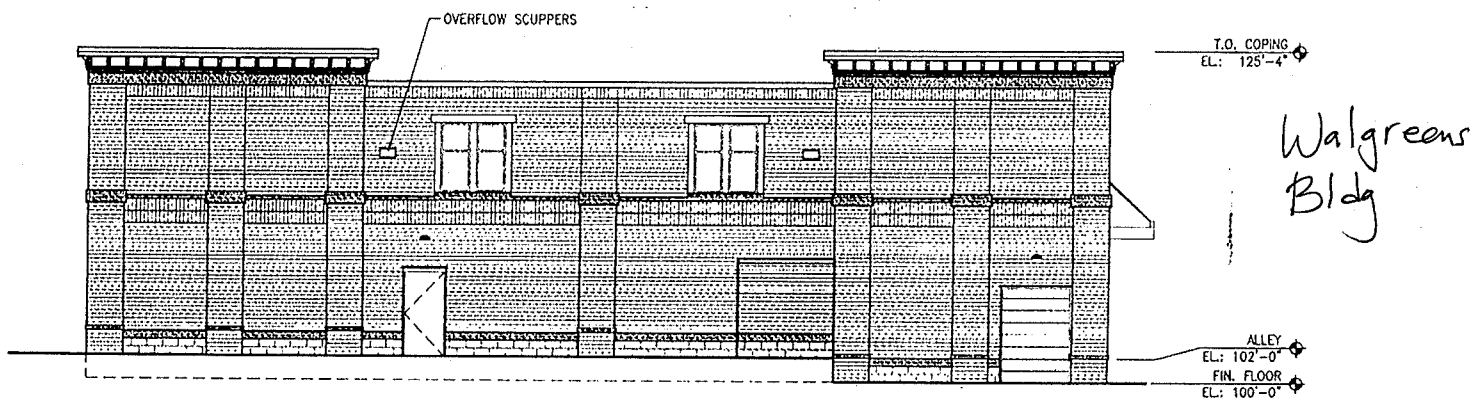
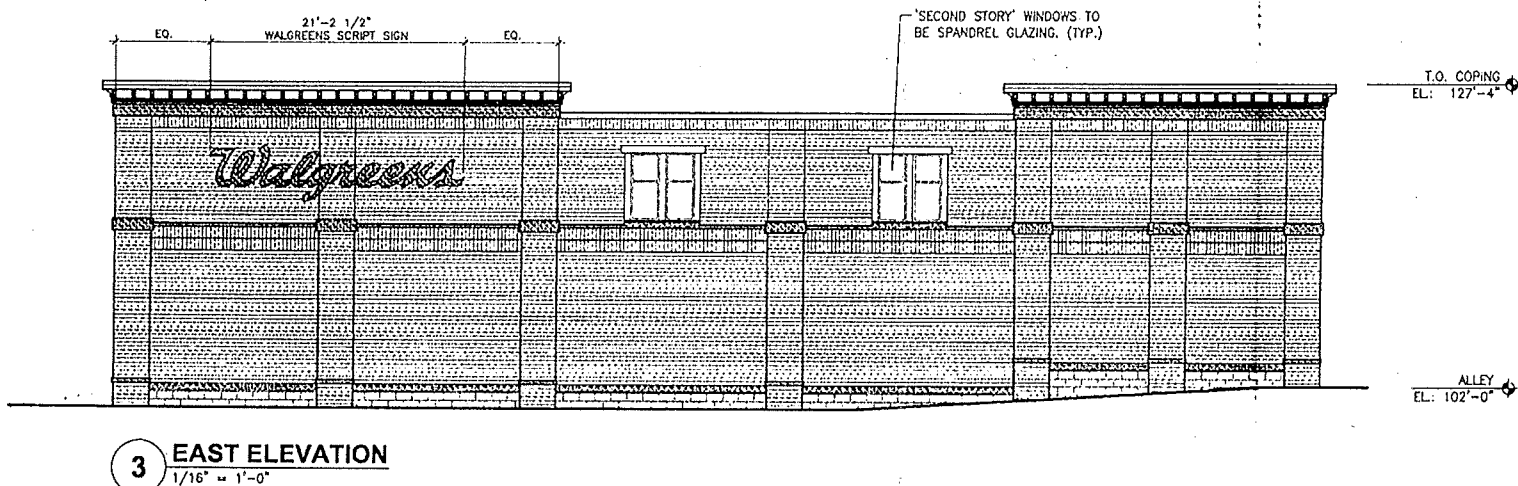
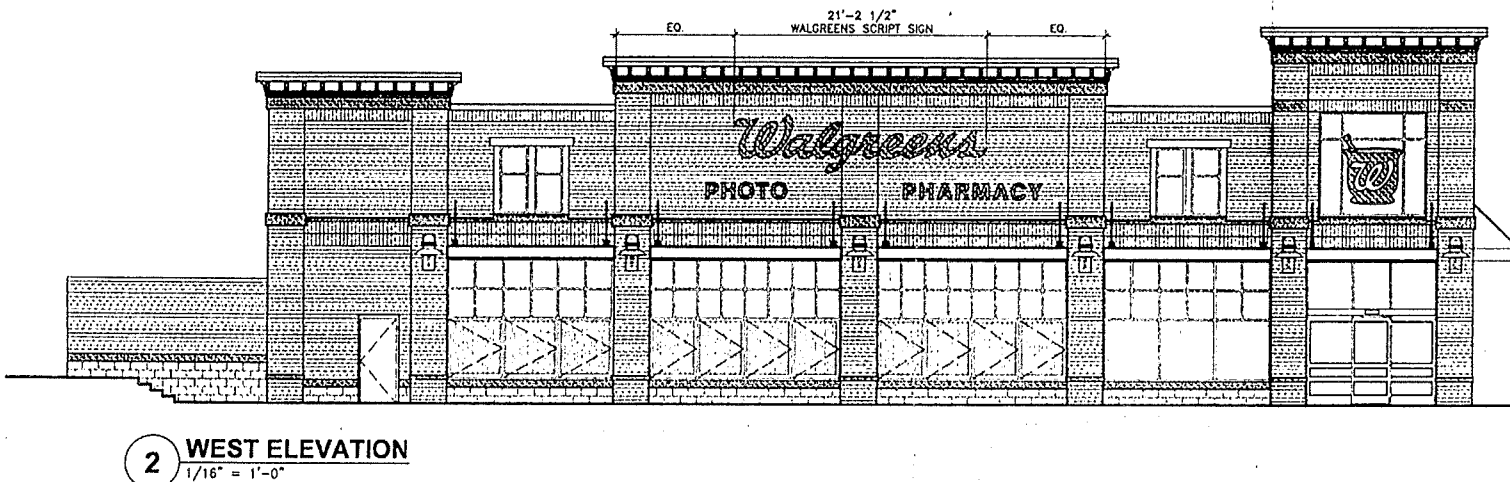
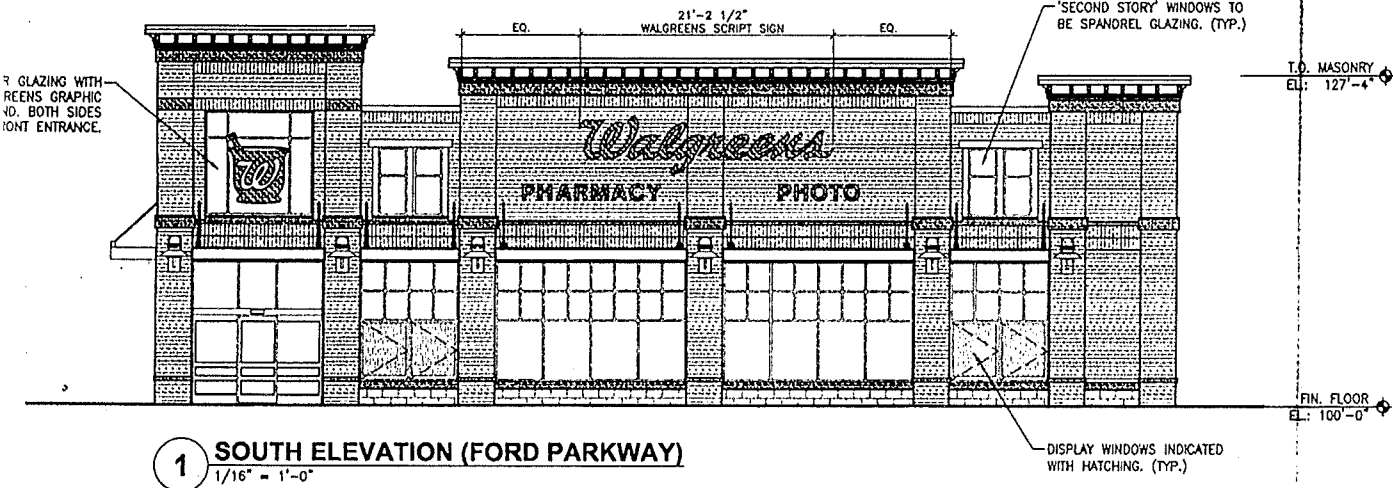
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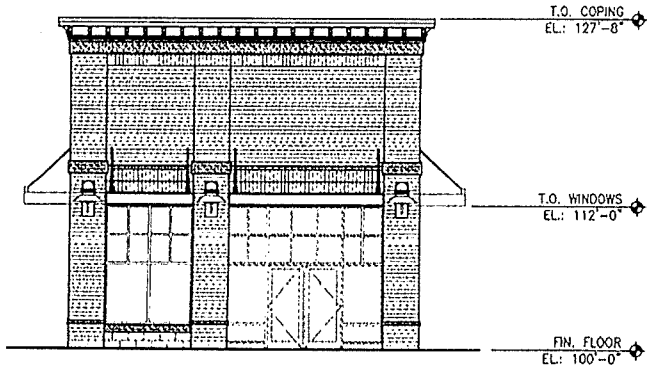
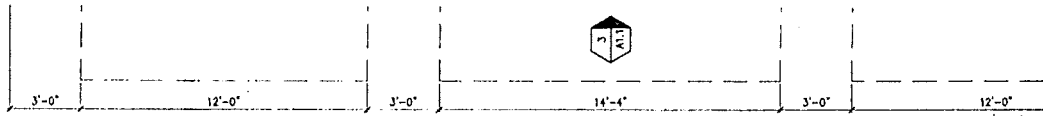
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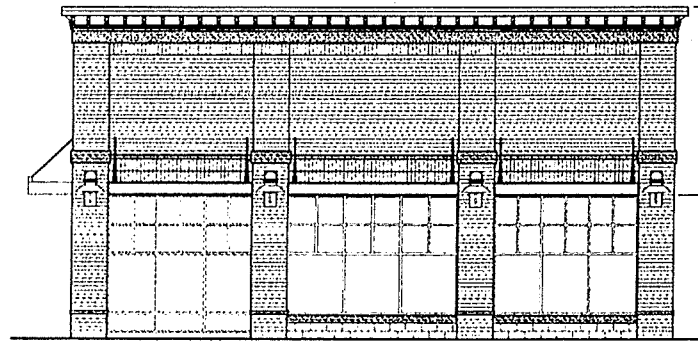
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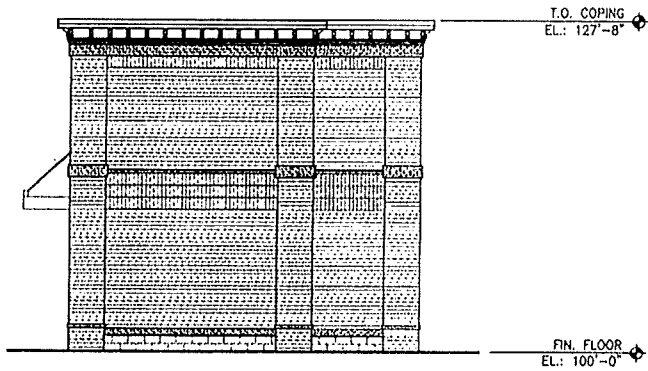




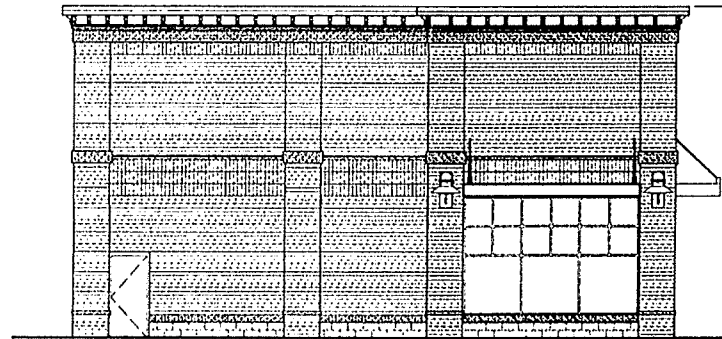
2 WEST ELEVATION
1/16" = 1'-0"



3 SOUTH ELEVATION
1/16" = 1'-0"



4 EAST ELEVATION
1/16" = 1'-0"

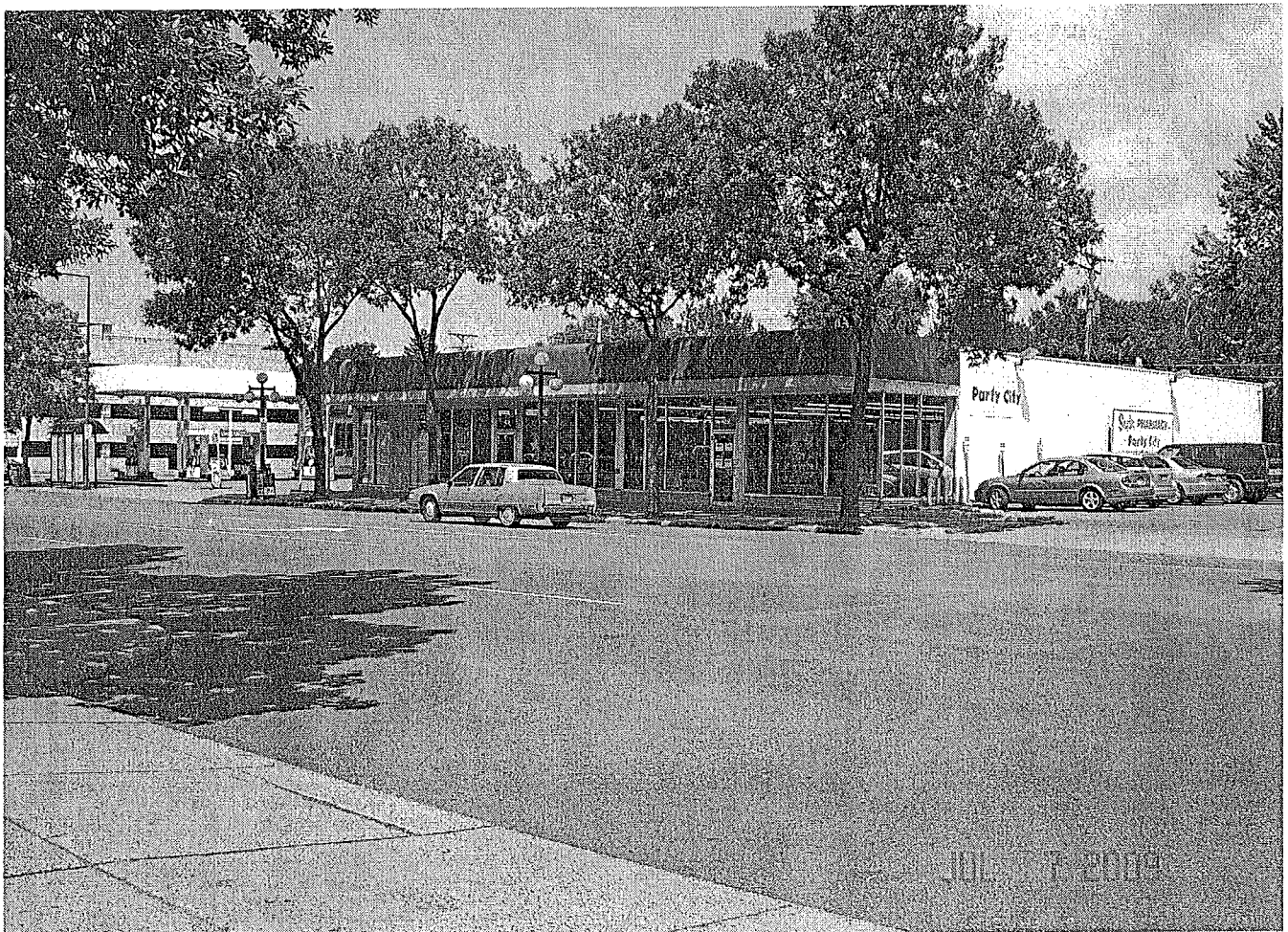


5 NORTH ELEVATION
1/16" = 1'-0"

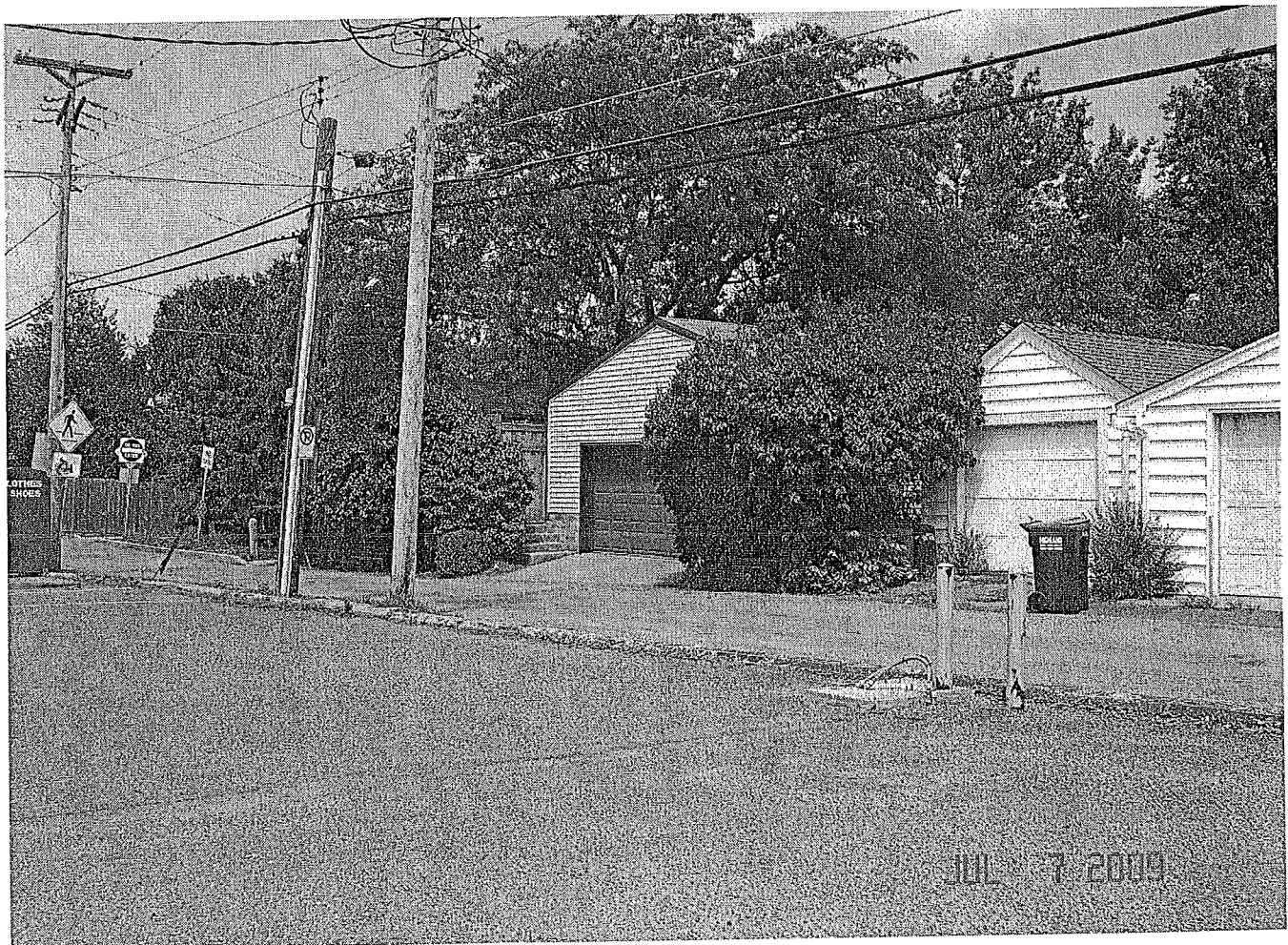
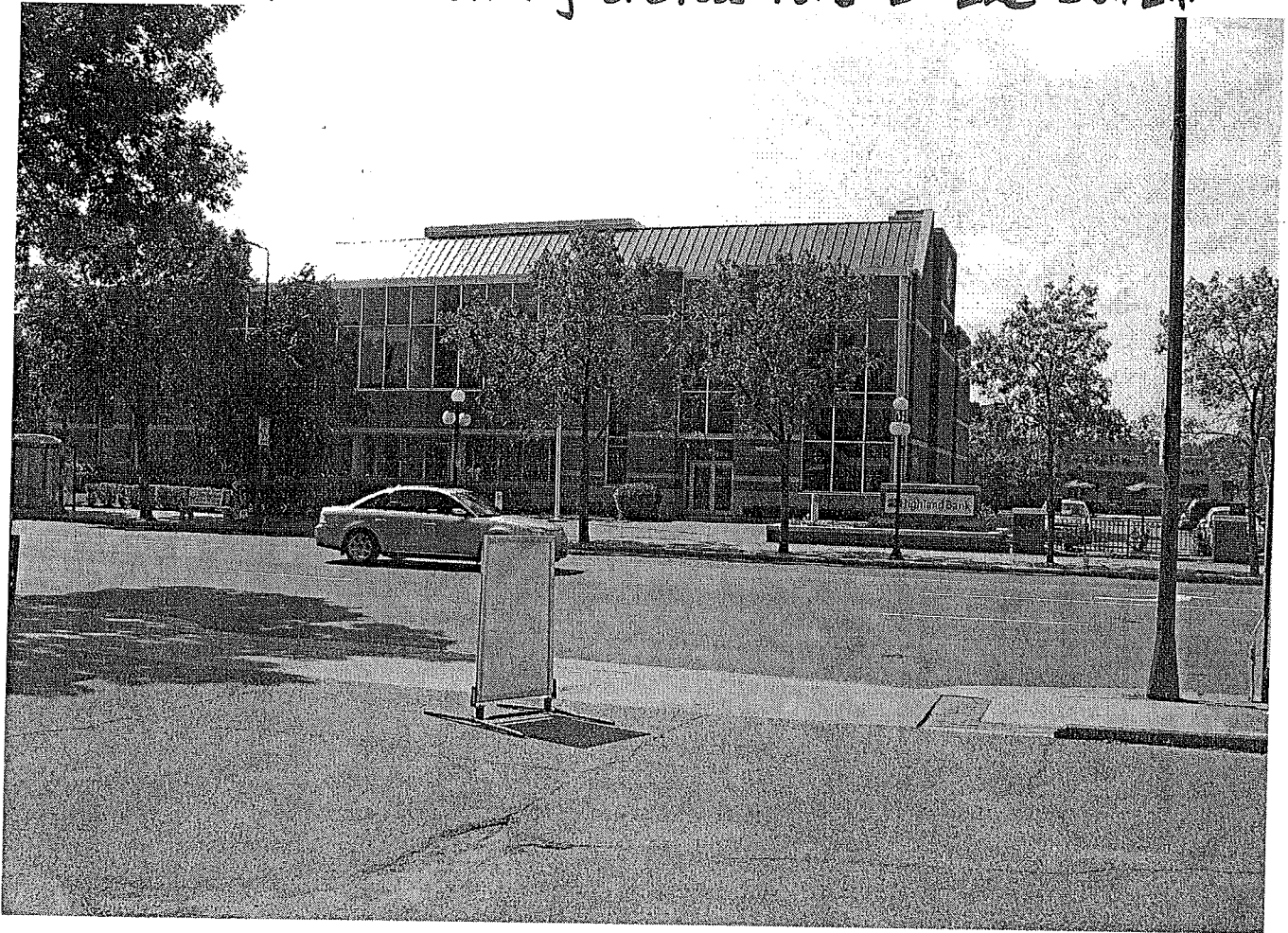
Small Commercial Building at Corner of Ford & Finny



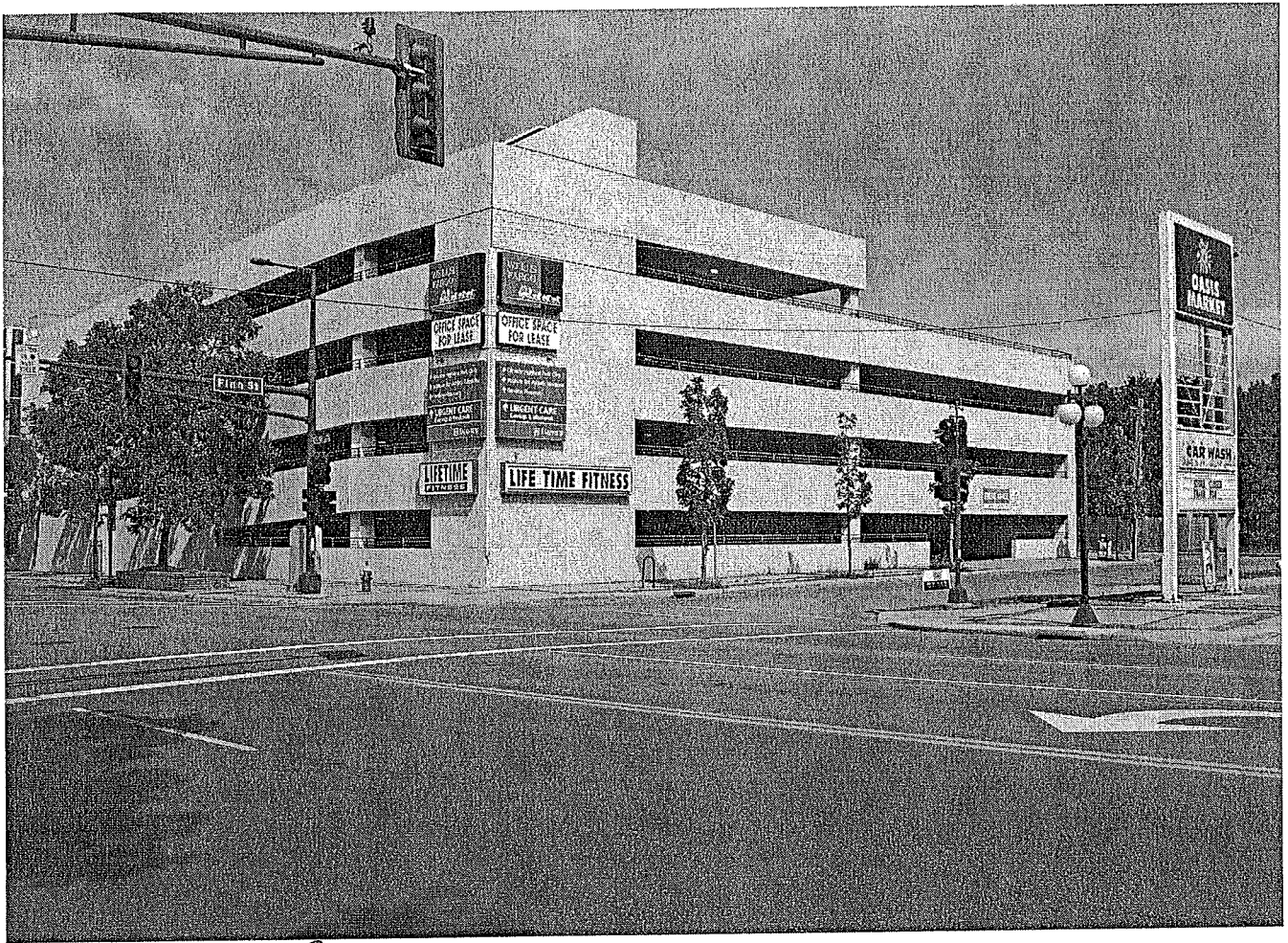
↑ Looking north across Ford Pkwy to the site.



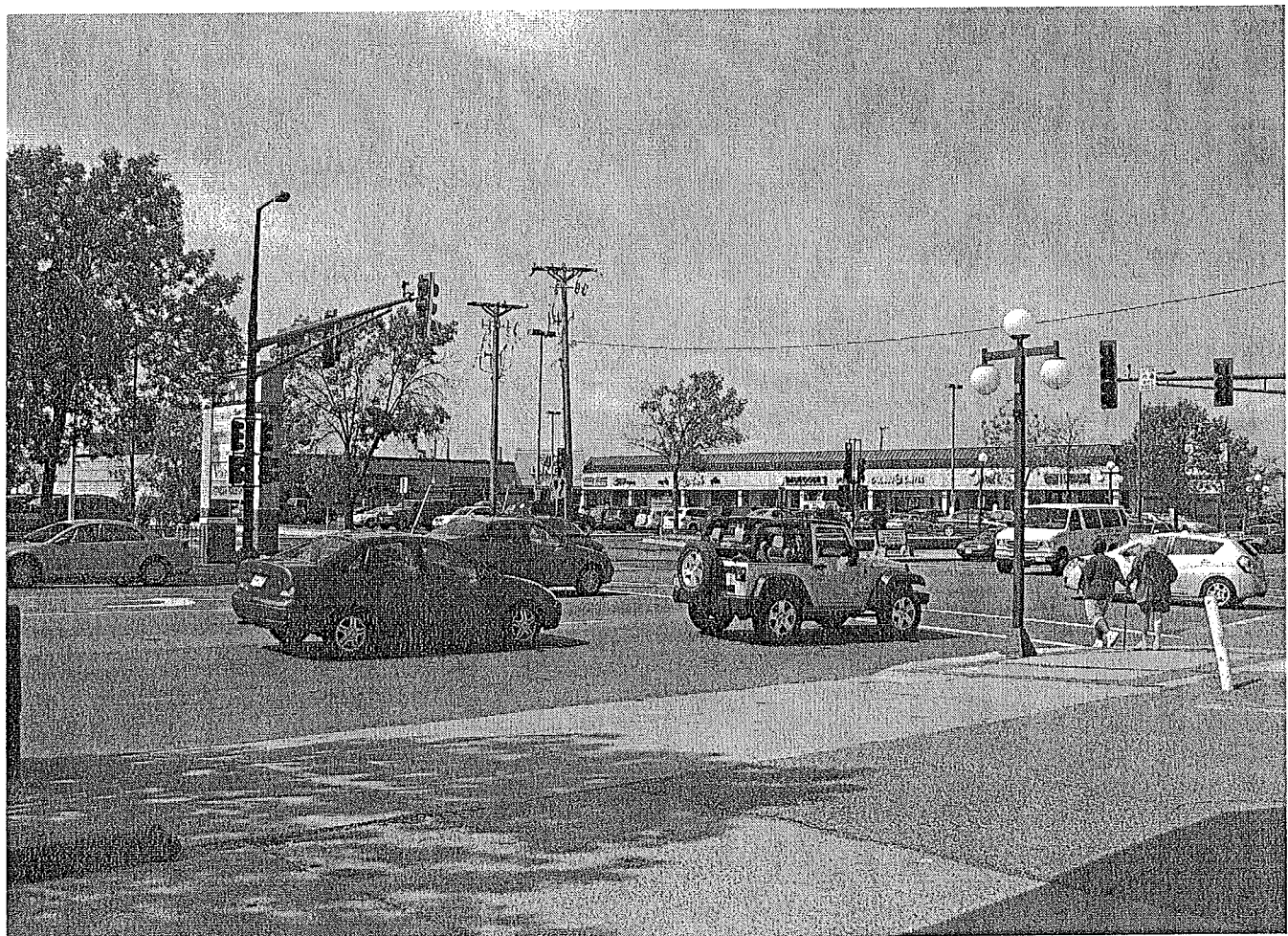
Bank building across Ford to the south.



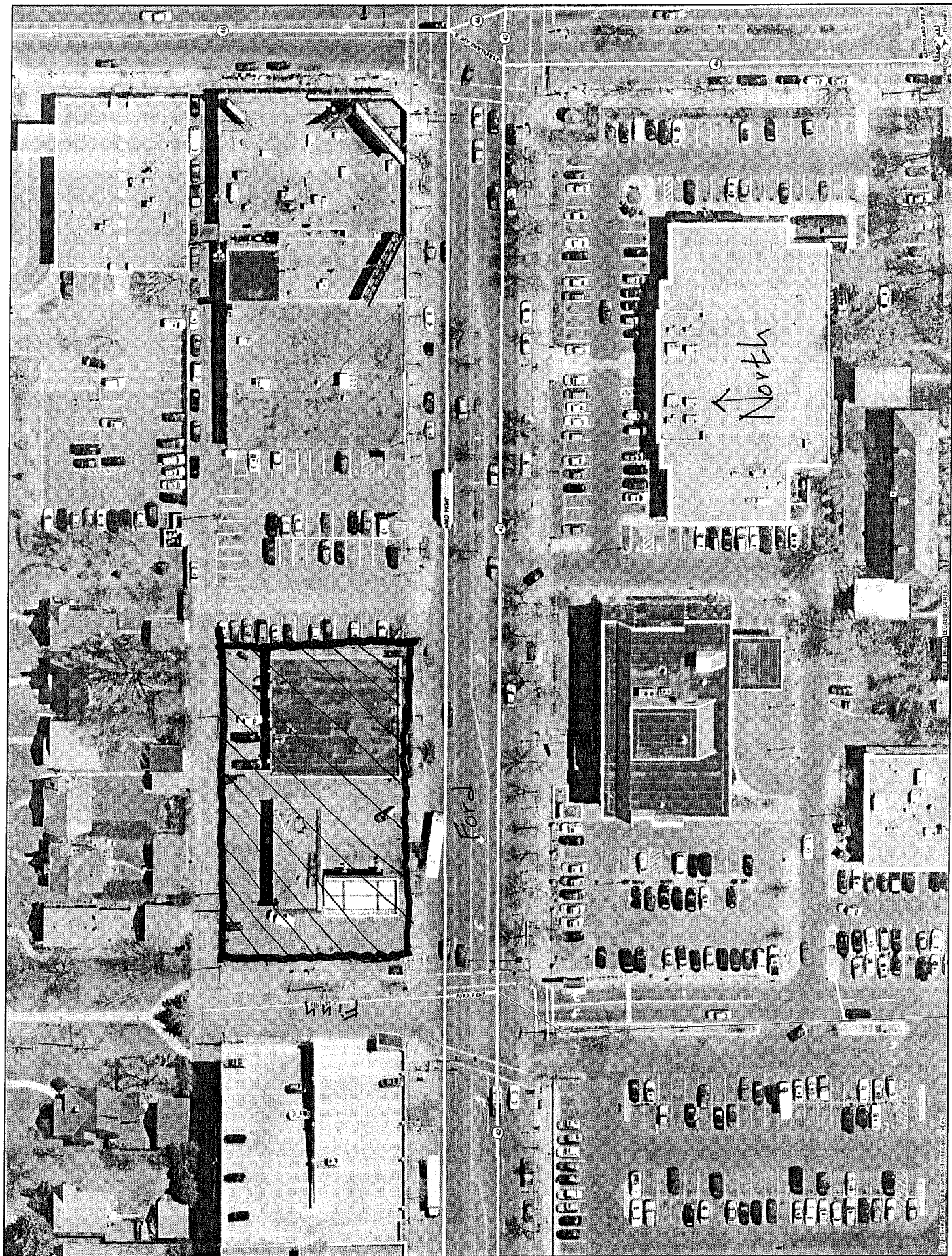
Garages across the alley to the north



Parking ramp across Finn to the west



Shopping center across Ford to the southwest



LIENEPIN COUNTY

RAMSEY

N

Figure 1 consists of four subplots arranged in a 2x2 grid. The top row shows the number of nodes in the network (N) over time (t) for two different initial conditions. The bottom row shows the number of nodes in the network (N) over time (t) for two different initial conditions. The plots show that the number of nodes in the network increases over time and reaches a steady state.

PROJECT LOCATION